

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4404 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- Raghunathpur District- East Champaran

Soni Devi W/o Baidhyanath Raut R/o Mohalla - Amlapatti (Near Durga Mandir), P.S. - Town, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambha Devi W/o Shivgovind Ram R/o vill - Raghunathpur, P.S. - Raghunathpur, Distt - East Champaran

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4537 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- Raghunathpur District- East Champaran

1. Jitendra Patel Son of Late Dwarika Patel R/O Vill.- Raghunathpur, P.S.- Raghunathpur, Dist.- East Champaran.
2. Savita Kumari Wife of Jitendra Patel R/O Vill.- Raghunathpur, P.S.- Raghunathpur, Dist.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambha Devi Wife of Shivgovind Ram R/O Vill.- Raghunathpur, P.S.- Raghunathpur, Dist.- East Champaran.

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 4404 of 2024)
For the Appellant/s : Mr. Subodh Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP
(In CRIMINAL APPEAL (SJ) No. 4537 of 2024)
For the Appellant/s : Mr. Subodh Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 07-11-2025 As both these bail applications arise out of the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.



2. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

3. There is no appearance on behalf of the respondent no.2, although the notice has been treated to be validly served.

4. This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 17.08.2024 passed by learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Raghunathpur P.S. Case No. 51 of 2024 registered under Sections 341, 323, 324, 379, 504, 354(a), 34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC/ST Act.

5. The case of the prosecution is that the accused persons including the present appellants had entered the house of the informant at night and indulged in hurling abuses and assaulting the informant.

6. Learned counsel appearing for the appellants submits at the outset that it would be evident from the first information report itself that the case arises out of land dispute between the neighbours and it has been alleged that the accused persons had gone to the house of the informant and hence, in



such view of the fact there cannot be any question of any public view and hence, the provisions of the SC/ST Act would not get attracted. It has further been submitted that there is case and counter case with regard to the same occurrence. Further, all these sections are bailable in nature except Section 379 of the I.P.C. which is non-bailable in nature and the provisions of SC/ST Act has been super-imposed to make the case serious. It has further been submitted that the appellant, Soni Devi is an old lady aged about 74 years and there is neither an allegation of assault nor an allegation of hurling abuses made specifically against her. So far as the appellant Jitendra Patel is concerned, the allegations are to the extent of being order giver and the abuses as alleged have not been made in public view.

7. Learned Spl. PP for the State opposes the grant of anticipatory bail on the ground that the appellants being indulged in hurling abuses and assault.

8. In the background of motivated allegations relating to land related dispute and the appellants being neighbours of the informant, who had gone to the house of the informant, the allegation of public view is missing and hence, provisions of SC/ST Act would not be attracted.



9. Taking into consideration the facts and circumstances and considering that there is land dispute and case and counter case with regard to same occurrence and no serious injury has been caused to the informant or others, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Raghunathpur P.S. Case No. 51 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. Accordingly, the impugned order is set aside and this appeal is allowed.

(Soni Shrivastava, J)

anand/-

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