

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4421 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- DEOKUND District- Aurangabad

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1. Sarvesh Kumar @ Sarvesh Yadav S/O Late Devanand Yadav R/O Village- Gurdhari Bigha, P.S- Deokund, District- Aurangabad
 2. Sailok Kumar S/O Sarvesh Kumar @ Sarvesh Yadav R/O Village- Gurdhari Bigha, P.S- Deokund, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi W/O Nagendra Paswan R/O Village- Gurdhari Bigha, P.S- Deokund, Distt.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Soni Kumari, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellants and learned

Special Public Prosecutor for the State. However, there is no appearance on behalf of the respondent no.2. It is informed by learned Spl.PP that the respondent no.2 has been informed about the present case and in his absence she is pleading on behalf of the respondent no.2.

2. 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 03.09.2024 passed by learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Deokund P.S. Case No. 22 of 2024 registered under Sections 127(1), 115(2), 351(2), 352, 110, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST



Act.

3. The case of the prosecution is that the accused persons including the appellants came armed with sticks to the house of the informant and indulged in hurling abuses and also assaulted the informant.

4. Learned counsel appearing on behalf of the appellants submits at the outset that the present FIR has been lodged after delay of two days inasmuch as for an occurrence which took place on 25.07.2024, the FIR was lodged on 27.07.2024 for which no explanation has been tendered. It has further been submitted that the occurrence has taken place at the house of the informant and hence, there is no question of there being public view and as such, provisions of SC/ST Act would not be attracted. Further, it has been submitted that the matter arises out of land dispute in which both the father and son have been made accused whereas the appellant no.1 is an old aged person, who is suffering with several ailments and appellant no.2 is a young boy. Further, the injury sustained by the informant is also said to be simple and superficial as stated in ground VII of the memo of the appeal.

5. Learned Spl. PP for the State opposes prayer for bail on the ground of allegations of hurling of abuses and assault.

6. In view of the allegations made in the first information report that the occurrence took place at the house of



the informant, it is *prima facie* that the provisions of SC/ST would not be made out as the occurrence did not took place in public view.

7. Taking into consideration the facts and circumstances and considering that there is land dispute, there is delay in the lodging first information report and further there is no specific allegations on these appellants, 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)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Deokund P.S. Case No. 22 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the B.N.S.S..

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

(Soni Shrivastava, J)

anand/-

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