

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4461 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- GORAUL District- Vaishali

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1. Arun Bhagat S/O Shyam Nandan Bhagat R/O Viilage- Lakshmi Narayanpur, P.S.- Goroul, District- Vaishali
 2. Chunchun Devi W/O Arun Bhagat R/O Viilage- Lakshmi Narayanpur, P.S.- Goroul, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Suhagin Devi @ Ram Suhagin W/O Permeshwar Das R/O Village- Lakshmi Narayanpur, P.S- Goroul, Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sachina, Advocate
For the Respondent/s : Mr. Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 18-11-2025

Heard learned counsel for the appellants as well as learned special PP for the State.

2. The present appeal has been preferred by the appellants under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of their prayer for anticipatory bail by order dated 30.08.2024 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Vaishali at Hajipur in connection with Goroul P.S. Case No. 148 of 2024, registered for the alleged offences under Sections 341, 323, 325, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

3. As per the prosecution case, appellants and other co-accused persons, on dispute over throwing garbage, assaulted the informant with *lathi* and also tried to outrage her modesty by pushing her down. They also snatched chain and *mangalsutra* from the informant and abused her taking her community name.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case and no occurrence in the manner as alleged has ever taken place. The allegations are not believable that the appellants and other co-accused persons assaulted the informant stated to be a 75 years old lady. There is no injury caused to the informant and the injury report shows only pain and swelling and the injury is stated to be simple in nature. The allegation of taking the community name is not in public view and therefore, it is not for humiliating the informant. The whole prosecution story is malicious and malafide. Falsity of the allegation is also apparent from the investigation where it was found that no offences under Sections 379, 325 and 354 of IPC were made out and only a case under the bailable sections of IPC and the provision of SC/ST (Prevention of Atrocities) Act is made out.



But, incorporation of Section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act is only with a view to make the case serious. The appellants have got no criminal history.

5. Learned Special PP opposes the submission made on behalf of the appellants. Learned Special PP submits that there is specific allegation of assault and taking caste name of the informant against the appellants.

6. Perused the record.

7. Having regard to the aforesaid facts and circumstances and submissions made on behalf of the parties and considering the absence of injuries attributed to the appellants and further considering the absence of ingredient to show the commission of offence under the provision of SC/ST (Prevention of Atrocities) Act and also considering the clean antecedent of the appellants, let the appellants above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Vaishali at Hajipur in connection with Goroul P.S. Case No. 148 of 2024, subject to



the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be the close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below.

8. Accordingly, the impugned order dated 30.08.2024 is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2025
Transmission Date	19.11.2025

