

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4486 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- ATHMALGOLA District- Patna

1. Kamlesh Mistri @ Kamlesh Kumar Son of Late Badhan Mistri R/O-Village- Dakshini Chak, P.S. - Athmalgola, District- Patna.
2. Ashish Kumar Son of Satyendra Mistri R/O-Village- Dakshini Chak, P.S. - Athmalgola, District- Patna.
3. Satyendra Mistri Son of Late Badhan Mistri R/O-Village- Dakshini Chak, P.S. - Athmalgola, District- Patna.
4. Usha Devi Wife of Satyendra Mistri R/O-Village- Dakshini Chak, P.S. - Athmalgola, District- Patna.
5. Shashi Kumar Son of Kamlesh Mistri R/O-Village- Dakshini Chak, P.S. - Athmalgola, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Paswan Son of Krishna Paswan R/O-Village- Dakshini Chak, P.S. - Athmalgola, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nagmani Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For Respondent No.2	:	Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned counsel appearing on behalf of the Respondent No. 2 as well as learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 29.07.2024 passed by the learned Court of Exclusive Special Judge SC/ST Act, Patna in connection with Athmalgola P.S. Case No.195 of 2024, F.I.R. dated 26.06.2024 registered under Sections 341, 323, 337, 308, 504, 506 and 34 of the Indian Penal Code and Section 3(1) (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.



3. The case of the prosecution is that on account of a dispute with regard to stopping of construction of boundary wall, which was being done by the informant, all the accused persons including the appellants herein indulged in abuses and assaulting the informant.

4. Learned counsel for the appellants at the outset submits that it would be apparent from the F.I.R itself that occurrence has taken place at the house of the informant and hence, there would be no question of any public view and as such the provisions under Section SC/ST of the Act would not be attracted. It is further submitted that the dispute took place between the neighbors which resulted in a free fight between the parties leading to a counter case filed by the appellants which is Annexure-2 to the present application. Further, the injury report also indicates that injury suffered by the informant is simple in nature caused by hard and blunt object.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.

6. In view of the fact that the occurrence took place at the house of the informant, according to the F.I.R, the element



of public view having been missing, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act *prima facie* is made out against the appellants.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that the case originated out of dispute between neighbors resulting in case and counter case and the injury being simple in nature, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge SC/ST Act, Patna in connection with Athmalgola P.S. Case No.195 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Soni Shrivastava, J)

Harsh/-

U		T	
---	--	---	--

