

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4527 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- HARLAKHI District- Madhubani

Birendra Thakur @ Birendra Kumar S/o Jagdish Thakur R/o Village- Bitihar,
P.S.- Harlakhi, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi Wife of Manjesh Sada R/o Village- Bitihar, P.S.- Harlakhi,
District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav Mr. Ravi Prakash
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. No one appears on behalf of the respondent no. 2 but the learned Spl. PP for the State informs this Court that the informant has been informed in the present case and in his absence, he would plead the case.

2. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 29.08.2024, passed by learned Additional Sessions Judge 1st Madhubani in connection with Harlakhi P.S. Case No. 189 of 2024, registered under Sections 126(2), 127(2), 115(2),



352, 351(i)/3(5) of the B.N.S. and Sections 3(i) (c) of SC/ST Act.

3. The case of the prosecution is that the informant's husband was taken away by the accused persons including the appellant by hurling abuses at him and when the informant tried to intervene, she was also assaulted and abused.

4. Learned counsel for the appellant, at the outset, submits that the first information report itself would reveal that the occurrence, if any, had taken place inside the house of the informant and hence, the same was not in public view, therefore, the provisions of the SC/ST Act would not be attracted in the present case. It has been further submitted that the first information report has been lodged after a delay of 4 days for which no explanation has been tendered. It has also been submitted that it would be appear from the injury report which is a part of the case diary that the injury sustained by the injured persons are simple in nature caused by hard and blunt object.

5. Learned Spl.PP for the State opposes the prayer for anticipatory bail on the grounds of allegations made in the first information report.

6. In view of the fact that the allegation is of entering inside the house of the informant and hurling abuses, takes it out



of the purview of the provisions of the SC/ST Act as the same has not taken place in public view.

7. Taking into consideration the facts and circumstances and also considering that the FIR has been lodged after inordinate delay, coupled with the fact that the injuries are also simple in nature and all the other sections except the SC/ST Act levelled against the appellant are bailable in nature, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st Madhubani in connection with Harlaxhi P.S. Case No. 189 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Soni Shrivastava, J)

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