

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4542 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- SHYAMPUR BHATHAN District-
Sheohar

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1. Devidayal Sah Son of Late Lal Babu Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar
 2. Nanhki Devi Wife of Ramyash Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar
 3. Rekha Devi Wife of Nanhak Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar
 4. Indrasan Devi Wife of Devi Dayal Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar
 5. Fudena Devi Wife of Lal Babu Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar
 6. Parmila Devi Wife of Gonu Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar
 7. Ruk Sagar Devi Wife of Ganaur Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar
 8. Gangiya Devi Wife of Chandrika Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar
 9. Kismatiya Devi Wife of Laxmi Sah Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Kumari Daughter of Sakal Ram Resident of Village - Sahbaj Pur, P.S. -Shyam Pur Bhataha, District - Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Shankar Shrivastava, Advocate
For the State	:	Mrs. Usha Kumari 1, Sp. P.P.
For Respondent No.2.	:	Mr. Devendra 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



27.08.2024 passed by the learned Court of 1st Addl. District and Sessions Judge-cum-Special Judge, Sheohar in connection with Bhataha P.S. Case No.78 of 2024, F.I.R. dated 30.07.2024 registered under Sections 126(2), 115(2), 64, 303(2), 76, 77, 329(4) and 3(5) of the B.N.S and Sections 3(i)(w)3(2)(va) (3v) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution is that one Ranjit Kumar, son of appellant no.1, had taken some obscene photographs of the informant and was threatening to make it viral and when informant's mother went to the house of the accused persons, they indulged in abuse and assault.

4. Learned counsel for the appellants at the outset submits that it would be apparent from the F.I.R itself that occurrence, if any, has taken place inside the house of the appellants and hence there is no question of public view and as such provision of SC/ST Act would not be made out. It is further submitted that the main allegation of taking some objectionable photographs is on accused Ranjit Kumar, who is not the appellant herein and the present appellants are the family members of Ranjit Kumar which include very old inmates. There is case and counter case indicating land dispute between the parties. It is further submitted that there is no injury report



on record and the bail rejection order also does not refer to any injury report.

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 stated in the F.I.R that the occurrence had taken place inside the house of the appellants, 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 there are general and omnibus allegation levelled against these appellants, there being no injury report on record and the appellants not having any criminal antecedent, 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 1st Addl. District and Sessions Judge-cum-Special Judge, Sheohar in



connection with Bhataha P.S. Case No.78 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)

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