

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4528 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- SC/ST District- Samastipur

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1. Dhiraj Kumar Roy S/o- Bindeshwar Roy Resident of Village- Dubarbanna ward no. 08, PS- Waris Nagar District-Samastipur
 2. Bindeshwar Roy S/o- Batahu Roy Resident of Village- Dubarbanna ward no. 08, PS- Waris Nagar District-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi W/o- Anil Paswan Resident of Village- Dubarbanna ward no. 08, PS- Waris Nagar District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.

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 03.09.2024, passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Samastipur SC/ST P.S. Case No. 80 of 2024, registered under Sections 115, 118(1), 126(2), 329(4), 76, 352, 351(2), 351(2)(va) of the B.N.S. and Sections 3(1) (r)(s)(w), 3(2)(va) of SC/ST Act.



3. The case of the prosecution is that the accused persons including the appellants had entered into the house of the informant and while asking for the son of the informant Anil, assaulted the informant by means of Garasa and also hurled caste based abuses.

4. Learned counsel for the appellants submits that it would be evident from the allegations made first information report that the occurrence, if any, took place inside the house of the informant, hence there is no question of any public view and in such view of the matter, the provisions of the SC/ST Act would not be attracted. It is further submitted that no reason whatsoever has been indicated in the FIR but there is a land dispute between the parties and the FIR has also been lodged after a delay of two days. It is further submitted that the injury report of the injured persons which are also a part of the case diary indicate that the injuries are simple in nature caused by hard and blunt substance.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail on the grounds of allegation made in the first information report.

6. In view of the allegations that the occurrence had



taken place inside the house of the informant, prima facie, the provisions of the SC/ST Act would not get attracted.

7. Taking into consideration the facts and circumstances and also considering the fact that the FIR has been lodged after a delay of two days on account of a land dispute and the injuries are simple in nature, 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 Special Judge SC/ST (POA) Act, Samastipur in connection with Samastipur SC/ST P.S. Case No. 80 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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