

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4546 of 2024

Arising Out of PS. Case No.-242 Year-2024 Thana- GOVINDGANJ District- East
Champaran

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Ravindra Sah @ Ravindra Kumar Son of Mahavir Sah Resident of Village-
Damodarpur, P.S.- Malahi, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambha Devi Wife of Ramanand Ram Resident of Village- Damodarpur
Panchayat Manguraha, P.S.- Malahi, District- East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Abhishek Kumar
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellant, 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, East Champaran at Motihari in connection with
Govindganj (Malahi) P.S. Case No. 242 of 2024, registered
under Sections 341, 323, 324, 354(B), 379, 504, 34 of the Indian
Penal Code and Sections 3(i) (r) (s) of SC/ST Act.

3. The case of the prosecution is that the accused



persons including the present appellant abused and assaulted the informant while she was in the field.

4. Learned counsel for the appellant, at the outset, submits that it would be apparent from the first information report itself that there is general and omnibus allegation on all the accused persons of resorting to assault but so far as the caste based abuse is concerned, the same is specific on co-accused Deepak Sah and is not upon the present appellant. It has also been submitted that there is a land dispute between the parties and there is case and counter case and the case lodged by the appellant has also been brought on record by way of Annexure-2. It is further submitted that the FIR has been lodged after a delay of four days and the injury report annexed as Annexure-3 indicates that the same is in the nature of complain of pain and is simple in nature which may be caused by hard and blunt object.

5. Learned Spl.PP for the State and the learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail on the ground of allegations made in the first information report with regard to hurling of abuses and assault.

6. In view of the allegations in the first information report, it appears that the allegation of hurling caste based



abuses has not been attributed to the present appellant, hence the provisions of the SC/ST Act would not be attracted prima facie against him.

7. Taking into consideration the facts and circumstances and also considering that there is delay of four days in lodging the FIR coupled with the fact that there is a case and counter case originating out of a land dispute and the injuries are also simple 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 Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Govindganj (Malahi) P.S. Case No. 242 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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