

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4623 of 2024**

Arising Out of PS. Case No.-174 Year-2024 Thana- MOKAMAH District- Patna

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1. Manish Yadav @ Manish Kumar son of Devnandan Yadav Resident of village- Sultanpur Bagi PS- Mokama, Dist- Patna
  2. Kamdev Yadav son of Late Lagan Yadav @ Ramlagan Yadav Resident of village- Sultanpur Bagi PS- Mokama, Dist- Patna
  3. Jairam Yadav Son of Late Lagan Yadav @ Ramlagan Yadav Resident of village- Sultanpur Bagi PS- Mokama, Dist- Patna
  4. Rustam Kumar son of Jairam Yadav Resident of village- Sultanpur Bagi PS- Mokama, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. RajKumari Devi Wife of Hareram Paswan village- Sultanpur Bagi, ps- Mokama, Dist- Patna

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s      | : | Mr. Prem Ranjan Kumar, Advocate |
| For the Respondent/s     | : | Mrs. Usha Kumari 1, Spl.PP      |
| For the Respondent No.2: | : | Mr. Chetanand Paswan, Advocate  |

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

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

2. This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 09.09.2024 passed by learned Exclusive Special Judge, SC/ST Act, Patna in connection with Mokama P.S. Case No. 174 of 2024 registered under Sections 323, 307, 504, 506, 34, 448 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the SC/ST Act.



3. The case of the prosecution, in brief, is that the accused Mangal in inebriated state molested the informant's daughter and when the informant went to the house of the accused to complain then all the appellants arrived at the house of the informant and started abusing by taking caste name and also indulged in assault.

4. Learned counsel for the appellant submits at the outset that it would be apparent from the first information report itself that the allegation of molesting the informant's daughter is specific on co-accused Mangal, who is not appellant herein and so far as the other allegation of abuse and assault is concerned, which has been alleged in general and omnibus fashion against all the appellants, has been said to be done inside the house of the informant and thus there is no question of any public view of the said occurrence thereby making the provisions of the SC/ST Act not applicable to the facts and circumstances of the case. It has also been submitted that there is case and counter case and case filed on behalf of the appellants has been brought on record by way of Annexure-2 and there is no injury suffered on the informant's side as no such injury report is on record.

5. Learned Spl. PP for the State and learned counsel for the respondent no.2 have vehemently opposed prayer for anticipatory bail on the ground of the allegations made in the



first information report.

6. Since the allegations itself discloses that the occurrence, if any, has taken place inside the house of the informant and hence *prima facie* provisions of SC/ST Act do not seem to be getting attracted.

7. Taking into consideration the facts and circumstances and considering that there is dispute between both the parties, who are neighbours leading to case and counter case and none of person sustained any life threatening injuries, let the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna in connection with Mokama P.S. Case No. 174 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 this appeal is allowed.

**(Soni Shrivastava, J)**

anand/-

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