

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4909 of 2023

Arising Out of PS. Case No.-220 Year-2020 Thana- PAHARPUR District- East Champaran

1. ANOD PRASAD @ ANOP PRASAD son of Raj Banshi Prasad Village- Parsauni Ps- Paharpur Dist- East Champaran
2. Madhukar Prasad @ Madhusudan son of Ramagya Prasad Village- Parsauni Ps- Paharpur Dist- East Champaran
3. Anirudh Prasad @ Anarudh Prasad son of Ramagya Prasad Village- Parsauni Ps- Paharpur Dist- East Champaran
4. Rajbanshi Prasad @ Rajbanshi Mahto son of Late Fatinga Mahto Village- Parsauni Ps- Paharpur Dist- East Champaran
5. Ramagya Prasad son of Late Fatinga Mahto Village- Parsauni Ps- Paharpur Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmala Kunwar wife of Late Bali Paswan Village- Parsauni Ps- Paharpur Dist- East Champaran

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 18-12-2025 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the SC/ST Act.
2. An order, dated 11.05.2023, passed, by learned Special Judge, SC/ST Act, East Champaran, Motihari, in A.B.P. No. 1233 of 2023, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Paharpur Police Station



Case No. 220 of 2020, registered for the offences punishable under Sections 341/323/354/379/504/34 of the Indian Penal Code and Section 3 (1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 12.06.2020, when the informant went to the house of appellant no. 1, where the informant used to work as labour, demanding her dues of Rs. 850/-, the appellant no. 1 refused to pay the dues, abused her by taking caste name, assaulted and dragged the informant due to which she got partially disrobed. It has further been alleged that all the appellants including other accused persons abused the informant by her caste name and also assaulted her by fists and slaps.
4. Learned counsel appearing on behalf of the appellants submits that the appellants have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of false and concocted story. He next submits that the police, after investigation, submitted final form against the appellants, however, learned 1st Additional Session Judge -cum- Special Judge,



East Champaran at Motihari, differing with the final form, took cognizance vide order, dated 05.04.2021, against the appellants under Section 3(1)(r)(w) of the SC/ST Act. He further submits that provision of SC/ST act is not attracted inasmuch as caste name was not taken in full public view.

5. Having heard learned counsel for the parties and taking into consideration the fact that the learned Special Court has taken cognizance under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, finding prima facie case against the appellants and in view of the decision of the Supreme Court, in the case of **Bachu Das v. The State of Bihar and Others**, reported in **(2014) 3 SCC 471**, this appeal, for grant of anticipatory bail, is not maintainable.
6. Accordingly, this appeal is dismissed and the order, dated 11.05.2023, passed, by learned Special Judge, SC/ST Act, East Champaran, Motihari, in A.B.P. No. 1233 of 2023, is hereby affirmed.

(Anil Kumar Sinha, J)

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