

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4976 of 2019

Arising Out of PS. Case No.-18 Year-2014 Thana- SC/ST BAGHA District- West Champaran

1. Kitabuddin Mian, Son Of Late Brijhan Mian Resident Of Village - Kapardhika, Parti Tola, P.S.- Bhairoganj, District- West Champaran
2. Majahar Mian, Son Of Late Rahman Mian Resident Of Village - Kapardhika, Parti Tola, P.S.- Bhairoganj, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulkali Devi Gulli Ram Village-Kapardhika Partitola,P.S-Bhairoganj,District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kr Singh No. 1
For the Respondent/s	:	Mr. Binay Krishna
		None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 25-09-2025 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.
2. No one appears on behalf of the respondent no.2.
3. The appellants have challenged the order dated 17.06.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST/POCSO, Bettiah, West Champaran in connection with ABP No.1183 of 2019 arising out of Bagaha SC/ST P. S. Case No.18 of 2014 instituted for the offences under Sections 341, 323, 504, 34 of the Indian Penal Code and Sections 3(i)(iii)(x)(xi) and (xiv) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their



prayer for grant of anticipatory bail has been rejected.

4. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 30.06.2014, while she was passing near the house of Kitabuddin Mian, when both the appellants intercepted her and started abusing by caste name, on which informant came and disclosed to her husband that appellants have abused her. Accordingly, her husband along with other villagers were going to the house of the appellants for asking him when it is alleged that the appellants assaulted by lathi and farsa and also abused by caste name.

5. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from the side of the appellants, Bagaha (Bhairoganj) P. S. Case No. 284 of 2014 has been instituted against the informant and her side. It is next submitted that the instant FIR has been instituted under Sections 341, 323 and 504 and 34 of the I.P.C. which are bailable and in the nature of allegation as alleged, prima facie no offence under the SC/ST (POA) Act is made as FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is next submitted



that the side of the appellants received grievous injury. It is also submitted that appellants were given the privilege of stay by this Court by order dated 14.12.2021, which continuing till date. It is further submitted that police in a mechanical manner submitted charge-sheet based on which cognizance came to be taken, on which learned Special P.P. submits that since cognizance has been taken, as such, prima facie offence is made out.

6. The Court after hearing the learned counsel for the parties was inclined to extend the privilege of anticipatory bail to the appellants, but since cognizance has been taken, hence the appeal is disposed of with a direction to the appellants to surrender before the learned trial Court on or before 14.10.2025 and seek regular bail.

7. It is made clear that if appellants surrender on or before 14.10.2025, in that event, the learned trial Court shall consider and dispose of the case on the same day keeping in mind the offences under I.P.C. are bailable and the FIR does not disclose that the occurrence was witnessed by any independent witnesses.

(Satyavrat Verma, J)

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