

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5322 of 2024

Arising Out of PS. Case No.-356 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

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D. Bhavani @ Durga Bhavani, W/o Rakesh Ranjan R/o Flat no. 301,
Mohinder Villa Apartment, Road no. 8, Patel Nagar, P.S. - Shastri Nagar,
Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravi Kumar S/o Yogeshwar Manjhi R/o vill - Lohari, Post- Gurukul Mehiya,
P.S. - Muffasil, Distt.- Saran at Chapra

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vikash Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 12-11-2025 Heard Mr. Vikash Kumar Singh, learned counsel

for the appellant and Mrs. Usha Kumari 1, learned Special P.P.

for the State.

2. The instant appeal has been preferred by the appellant under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act'), for setting aside the order dated 07.10.2024 passed by the Court of the learned Special Judge SC/ST, Chapra, Saran in A.B.P. No. 3659/2024 arising out of Mufassil P.S. Case No. 356 of 2024, registered for the offences punishable under Sections 341, 323, 504, 506 read with Section 34 of IPC and Section 3(1)(r)(s) of the SC/ST Act,



by which the appellant's prayer for anticipatory bail has been rejected.

3. The main submissions advanced by the appellant's counsel are that the appellant is a lady and the offences of IPC under which the FIR has been registered are bailable and offences of the SC/ST Act under which the FIR has also been registered does not attract even *prima facie* against the appellant as one of the prerequisites for constituting an offence under the SC/ST Act, i.e., the alleged act must have been committed in full public view, is not fulfilled in the present case and it is an admitted position that the alleged offence is said to have taken place inside the house of the appellant and in the last portion of the FIR, the name of this appellant finds place. It is further submitted that in fact, the appellant's husband, Rakesh Ranjan, co-accused in the present matter had lodged an FIR bearing Shashtri Nagar P.S. Case No. 244/2024 against one, Mahendra Singh and others with an allegation of demand of illegal money from the appellant's husband and giving threat in this regard, and then the appellant's husband filed an informatory petition showing his apprehension of false implication in a fabricated case by the said Mahendra Singh with the help of some others and consequently, O.P. No.2 lodged the FIR of the present



matter in collusion with the said Mahendra Singh and in this regard, Annexure-P/3, copy of the informatory petition may be perused. It is lastly argued that though the alleged occurrence is said to have taken place inside the house of the informant but it is not a case of the prosecution that an independent person was also there at the time of commission of that occurrence and further, there was no any kind of money transaction between the informant and the appellant's husband , so there was no reason for the informant to visit the appellant's house and in the FIR, there is no details of the money which is said to be dues on the part of the appellant's husband which in itself falsifies the genesis of the occurrence. Learned counsel has placed reliance upon the judgment of this Court passed in the case of **Anil Kumar Singh Vs. State of Bihar and Ors.** reported in **MANU/BH/1823/2011** and has referred the paragraph nos. 18 and 19 in support of his submissions and the same are reproduced as under:-

“18. The legal position is that mere accusation of chiding a member of a Scheduled Caste/Scheduled Tribe community by his caste name would not suffice to constitute an offence under the S.C./S.T. Act until it is specifically attributed to a person, who is not a member of the Scheduled Caste/Scheduled Tribes category and has been made to insult or undermine the dignity of a member of the said category



and at a place, within full public view.

19. A perusal of the allegation made in the first information report placed at Annexure-1, manifests that none of the aforesaid prerequisites stands satisfied. Even if an intimidating language was used by one of the accused, in absence of identification of such accused and in absence of any statement that the abuse took place before a member of a public and/or within full public view, it would not suffice to constitute an offence against the accused persons collectively. Even in the case of Swaran Singh (supra), the appellant had allegedly used abusive language against the informant but since the use of abusive language did not take place within full public view nor any member of public was said to be present at the relevant time, the appellant was acquitted of the charges under the S.C./S.T. Act by the Supreme Court holding that no prima facie case was made out against him. For the reasons aforesaid, this application is allowed. The order dated 24.11.2009 passed in S.C./S.T. No. 155 of 2009 passed by the 1st Additional Sessions Judge, Saran at Chapra is quashed and set aside. As no offence is made out against any of the accused under the S.C./ S.T. Act, all the accused shall stand discharged of the offences punishable under Section 3(1)(x) of the S.C./S.T. Act. The trial court shall now proceed accordingly.”

4. No one is present on behalf of respondent no.2.

5. Learned Special P.P. appearing for the State has vehemently opposed this appeal and submits that in the FIR, there is specific allegation of abusing against the appellant and her prayer is not maintainable and hit by the provisions of



Section 18 of the SC/ST Act.

6. In the facts and circumstances of this case as well as considering the above stated facts and mainly the fact that in the FIR, the informant has not disclosed the amount which is said to be dues on the part of the appellant's husband and before the registration of the FIR the appellant's husband had filed an informatory petition showing his apprehension of false implication in a fabricated case and the appellant has taken the plea that the respondent no. 2, the informant of the present matter had lodged the FIR in collusion with one Mahendra Singh with whom the appellant's husband has enmity as well as dispute on account of the registration of an FIR with the allegation of demanding money, in my opinion, the appellant's prayer is not hit by the provisions of Section 18 of the SC/ST Act as the allegations appear to be motivated with malice and further, it is not the case of the prosecution to show the commission of the alleged occurrence in public view or in the presence of an independent person, so, the appellant deserves to the relief of anticipatory bail. Accordingly, let the appellant named-above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST, Chapra, Saran in connection with Mufassil P.S. Case No. 356 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J)

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