

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5291 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- PHULWARIA District- Begusarai

1. Sanju Devi @ Baliya Bali Wife of Bharat Mahto Resident of Village - Phulwaria-03, Ward No.7, Shanti Nagar, P.S. - Phulwaria, District – Begusarai.
2. Birju Mahto @ Birju Son of Bharat Mahto Resident of Village - Phulwaria-03, Ward No.7, Shanti Nagar, P.S. - Phulwaria, District – Begusarai.
3. Prince Mahto @ Prince Kumar Son of Bharat Mahto Resident of Village - Phulwaria-03, Ward No.7, Shanti Nagar, P.S. - Phulwaria, District – Begusarai.
4. Beena Kumari Wife of Birju Mahto @ Birju Resident of Village - Phulwaria-03, Ward No.7, Shanti Nagar, P.S. - Phulwaria, District – Begusarai.
5. Bharat Mahto Son of Late Shivnath Mahto Resident of Village - Phulwaria-03, Ward No.7, Shanti Nagar, P.S. - Phulwaria, District – Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Raunik Raut Wife of Ranjit Raut Resident of Village - Phulwaria-03, Ward No.7, Shanti Nagar, P.O. - Barauni, P.S. - Fulwaria, District – Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rahul Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Informant	:	Mr. Ravindra Kumar, Advocate
		Mr. Amish Kumar, Advocate
		Mr. Ishaan Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants and learned
Special P.P. for the State.

2. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against the order dated 22.08.2024 passed by the learned Exclusive



Special Judge, SC/ST (POA) Act, Begusarai in A.B.P. No. 1405/2024 arising out of Fulwaria P.S. Case No. 90/2024 registered under Sections 323, 341, 448, 379, 307, 354(B), 384, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v) of SC/ST (POA) Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. As per FIR, appellants after criminal trespass assaulted the family members of the informant causing physical injuries, which alleged to be made with intention to cause their death. The allegation of outraging modesty is also made against appellants.

5. Learned counsel appearing for the appellants submitted that the appellant no. 3 was in love with the daughter of the informant, namely, Prachi Kumari which was not approved by family members including the informant and, therefore, the present implication was raised. It is submitted that the allegation of physical assault is also appearing very much general and omnibus. It is pointed out that the informant and others received simple injuries during the occurrence, which negate *prima facie* intention to cause death. It is also submitted that the manner in which the occurrence took place and the alleged assault was



caused, it may be the case of physical assault but not a case of sexual assault. While concluding the argument, it is submitted that allegation *qua* abuse in caste name is appearing very much general and omnibus in nature, where occurrence is not appears to be arising out of atrocities as defined within the meaning of SC/ST (POA) Act, 1989.

6. Learned Spl. PP duly assisted by learned counsel Mr. Ravindra Kumar appearing on behalf of the informant, while opposing the prayer of bail submitted that appellants after criminal trespass in the house of the informant assaulted them and also outraged the modesty of female members of the family, however, he could not disputed the factual submissions of learned counsel appearing for the appellants that injuries as received by the informant during the occurrence upon medical examination found simple in nature.

7. In view of aforesaid factual submissions and by taking note of fact as allegation of physical assault is appearing very much general and omnibus in nature, where the informant appears to receive simple injury negating *prima facie* intention to cause death, coupled with the fact that *prima facie* occurrence is also not appears to be caused out of atrocities defined within the meaning of SC/ST (POA) Act, 1989 coupled with the fact that



appellants are of clean antecedents, accordingly, all above-named appellants in the event of their arrest or surrender before the learned trial Court, within a period of six weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai/concerned Court, where the case is pending in connection with A.B.P. No. 1405/2024 arising out of Fulwaria P.S. Case No. 90/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, impugned order dated 22.08.2024 as passed through A.B.P. No. 1405/2024 is hereby set aside.

9. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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