

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.949 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- CHAKIA District- East Champaran

1. Gudiya Devi @ Gudiya Kumari s/O Vinod Kumar R/o Village- Dulma, P.S.- Madhuban, District- East Champaran
2. Shivji Prasad S/o Musafir Bhagat R/o Village- Dulma, P.S.- Madhuban, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajeshwari Devi Wife of Kailash Ram R/o Village- Shanti Nagar, Ward no. 14, P.S.- Chakia, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kundan Rathore, Adv
For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 10-04-2026 **1.** Heard learned counsel for the appellants, learned Spl. P.P. for the State, Ms. Usha Kumari No. 1 and the Superintendent of Police, East Champaran, Motihari, in compliance of the order dated 10-4-2026 passed at 11:00 am, has connected virtually.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 4-1-2024 in A.B.P. No. 5974 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champrana, Motihari in connection with Chakia P.S. Case No. 296 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian



Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellant No.1 is a woman and the informant alleges that she was working in the house of Binod Kumar and thus asked him to give the salary on 13-07-2023 but then Binod said that the salary would be paid for two months in one go, thereafter the informant again asked for her salary on 13-08-2023 when Binod said he will give her salary after one month, on which she replied that her children are hungry and husband is ill, thus she requires money, on which Binod pushed and abused her by taking caste name, further his wife and his brother Shivji also abused by taking caste name.

4. 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 perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence. It is further submitted that from bare reading of the allegations, it would manifest that prima facie no offence under the SC/ST Act is made out as the informant herself in the FIR alleges that she was abused by the accused persons including the appellants in the house of Vinod and thus the occurrence was not in public view.

5. Learned counsel for the appellants submits that the cases was instituted in the Year 2023 and for the last three years,



appellants are running from pillar to post apprehending their arrest. It is next submitted that it appears that police does not take such cases seriously rather in mechanical manner investigates without realising the trauma being faced by the accused being implicated in a case relating to SC/ST Act, since anticipatory bail is barred. It is further submitted that the informant was deliberately evading notice, as such a learned Coordinate Bench by an order dated 19.03.2026 directed the Superintendent of Police, East Champaran to produce the respondent No.2 before this Court on 09.04.2026. It is next submitted that on 09.04.2026 also, the informant was not present, on which the learned Spl P.P., Usha Kumari No.1, submits that information in compliance of the order dated 19.03.2026 was communicated to the Superintendent of Police, East Champaran, Motihari and the concerned P.S. was also informed that the respondent no. 2 is to be produced before the Court on 09.04.2026 but when the officials of the police station went to the house of the informant, the informant and her entire family members abused them, as such the informant could not be produced on 9-4-2026, it was only when on 9-4-2026 subsequent order was passed, the informant is before the Court.

6. The informant who is present in the Court at the outset submitted that she does not intend to pursue with the false case as the FIR was instituted at the behest of one Komal Kushwaha.

7. The Court in presence of the learned Spl. PP asked the informant that as to whether she knows the name of the accused



persons or not, who have been implicated by her in the instant FIR, on which she blatantly replied that she is not aware of the name of the accused persons except Vinod.

8. The Court completely fails to appreciate that as to why such a frivolous case is pending investigation for the last three years, one can well imagine the plight of the accused persons implicated by the informant in a false case. It was in this background that today at 11 am, an order was passed directing the Superintendent of Police, East Champaran, Motihari to be virtually connected at 2:30 PM.

9. The Superintendent of Police, East Champaran, Motihari got virtually connected and assures the Court that an appropriate action in the case would be taken and the investigation shall be completed within the shortest possible time.

10. After hearing the learned counsel for the parties and the Superintendent of Police, East Champaran, Motihari, let the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

11. Accordingly, the impugned order is set aside and the appeal stands allowed.



12. The appearance of the informant, who is present physically and the Superintendent of Police, East Champaran, Motihari, who has connected virtually, is dispensed with.

(Satyavrat Verma, J)

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