

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.972 of 2025

Arising Out of PS. Case No.-30 Year-2023 Thana- TURKAULIYA District- East Champaran

Mukesh Sahani Son of Ramavtar Sahani @ Ramawtar Sahani Resident of
Village- Balhi, P.s.- Turkaliya, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Aklu Ram Son of Late Kewal Ram Resident of Village- Bijulpur, P.S.-
Turkauliya, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Suraj Kumar Tiwari, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 16-03-2026 1. Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel
appearing on behalf of the informant.

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 20.09.2024 in A.B.P. No. 4175 of 2024 passed by
the learned Special Judge S.C./S.T. Act, East Champaran at
Motihari in connection with Turkauliya P.S. Case No. 30 of
2023 registered under Sections 420, 406, 504 and 506 of the
Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST
Act.



3. Learned counsel appearing on behalf of the appellant submits that the case was referred for mediation but then mediation failed. It is further submitted that appellant is a person with clean antecedent and in sum and substance, the informant alleges that appellant had taken his three sons for working in an incense stick factory from November, 2021 to September, 2022 and gave them Rs.40,000/- in advance. It is next alleged that despite his sons worked but they did not get the wages and when the informant approached the appellant he was abused by taking caste name.

4. Learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant himself alleges that appellant had taken his sons for working in a factory and thereafter his sons worked in the said factory but then if the payment was not made, the appellant cannot be faulted. It is next submitted that initially when the sons of the informant had accompanied the appellant for doing the work in the factory the appellant had given them advance. It is also submitted that as far as allegation of abuse is alleged, the same is ornamental in nature and even presuming



what has been alleged is true without admitting then abuse was not hurled in public view as informant alleges that he was abused at the doors steps of the appellant. It is further submitted that the instant FIR has been instituted only to coerce the appellant into submission so that he parts with the fanciful demands of the informant. It is next submitted that if wages of the sons of the informant has not been paid by the owner of the factory then his sons have remedy of approaching an authority of competent jurisdiction.

5. Learned Special Public Prosecutor and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellant but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that in the nature of allegation prima facie no offence under the SC/ST Act is made out as abuse was not hurled in public view nor the FIR even remotely suggest that abuse heard by any independent person.

6. Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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