

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2066 of 2025**

Arising Out of PS. Case No.-291 Year-2024 Thana- RAMGARHWA District-
East Champaran

- =====
1. Raju Sah @ Raju Kumar S/O Late Baliram Sah R/O Vill.- Champapur, P.s.- Ramgarhwa, Dist.- East Champaran.
 2. Ram Ayodhya Sah @ Ram Ayodhya Prasad S/O Late Baliram Sah R/O Vill.- Champapur, P.s.- Ramgarhwa, Dist.- East Champaran.
 3. Rajan Sah @ Rajan Prasad S/O Late Baliram Sah R/O Vill.- Champapur, P.s.- Ramgarhwa, Dist.- East Champaran.
 4. Umravati Devi W/O Late Baliram Sah R/O Vill.- Champapur, P.s.- Ramgarhwa, Dist.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar 1Patna
2. Parma Paswan S/O Late Kari Paswan R/O Vill.- Champapur, P.s.- Ramgarhwa, Dist.- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Yerra Madhavi, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 13-02-2026 Heard learned counsel for the appellants and

learned Special Public Prosecutor appearing for the State

and also learned counsel for the respondent No2.

2. This appeal under Section 14A(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 has been directed against the order

dated 22.04.2025 passed by learned Special Judge, SC/ST

Act, East Champaran, Motihari in A.B.P. No. 1372 of 2025 in



connection with Ramgarhwa P.S. Case No. 291 of 2024 registered under Sections 127(1), 115(2), 115(1), 117(2), 352, 3(5) of B.N.S. and Section 3(1)(r)(s)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, the informant, Parma Paswan alleged that on 11.11.2024 at about 4:00 P.M, the appellants along with others variously armed with lathi, danda and iron rod came near him and started throwing cow dung by abusing him with his caste name. On protest being made by him, appellants and his associates assaulted him by means of lathi and danda. It is specifically alleged that Raju Sah, appellant No.1 inflicted iron rod blow over the head of his brother, Barma Paswan and somehow he managed to save his head but sustained injury on his right hand due to which his right hand got fractured. It is further alleged that appellant No.2 Ram Ayodhya Singh gave a farsa blow on the head of his brother, namely, Sharma Paswan due to which he sustained injury on his head and he fell down after being unconscious. All the accused persons were abusing them by his caste name during the assault with lathi, danda, fists and



slaps.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. He submits that although the appellant No.1 is alleged to have assaulted upon the head of the informant while others are alleged to have assaulted in general and omnibus terms, injury report as contained in the case diary would go to show that the injuries sustained by the informant are abrasion with swelling on left forearm and another one is pain with swelling on right shoulder. Further referring to the nature of injuries, the learned counsel submits that the injuries sustained by the informant does support the allegation levelled in the F.I.R. against the appellant No.1, whereas he is alleged to have assaulted on the head of the informant. So far as offence of abuse by caste name is concerned, the same has not been committed in a public view, therefore, no case attracting the rigours of SC/ST Act is made out against the appellants. He further submits that there is case and counter case between the parties but the case lodged by the appellant is prior to the case lodged by the informant. In fact, this case is lodged by the informant only to create defence to



the case lodged by the informant.

5. Learned Special Public Prosecutor as well as learned counsel for respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants. Learned counsel for respondent No.2 submits that there is specific allegation of assault upon appellant No.1 while others have actively participated in the occurrence though in general and omnibus terms. He further submits that it appears from the F.I.R. that the occurrence has been committed in public view.

6. Considering the entire facts and circumstances of the case, particularly the fact that the injuries sustained by the informant is not corroborated by the allegation levelled in the F.I.R., moreover, there is case and counter case between the parties and the case lodged by the appellants is prior to the case lodged by the informant and also there is no recital of commission of offence of abuse in a public view and also the appellants bear clean antecedent, let the above named appellants in the event of their arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to



the satisfaction of the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 291 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 22.04.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

brajesh/-

(Praveen Kumar, J)

U		T	
---	--	---	--

