

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2257 of 2025**

Arising Out of PS. Case No.-27 Year-2024 Thana- SC/ST District- Rohtas
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1. Deepak Kumar Goswami @ Deepak Goswami S/o Patel Goswami @ Munna Goswami R/o vill and Post - Baraon, P.S. - Nokha, Distt.- Rohtas
2. Murari Goswami @ Murari Gosai S/o Kameshwar Gosai @ Kameshwar Goswami R/o vill and Post - Baraon, P.S. - Nokha, Distt.- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Renu Devi W/o Rajesh Kumar R/o vill and Post - Ropahatha, P.S. - Nokha, Distt. - Rohtas

... .. Respondent/s
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Appearance :

For the Appellant/s : Mr. Dhaneshwar Prasad Gupta, Adv.
For the Respondent/s : Mr. Usha Kumari 1, Spl. APP
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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 03.05.2025 passed by learned Additional District and Sessions Judge- 17 -cum- Special Court, SC/ST (POA) Act, Sasaram in connection with SC/ST P.S. Case No. 27 of 2024 registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va)



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, Renu Devi alleged that on 18.03.2024 at about 4:00 P.M in evening while she was coming with her husband, appellants along with three others came there and started abusing them by their caste name. Upon protest being made, they started assaulting them with fists and slaps. They also caught hold the hair of the informant and thrashed her down and meanwhile, appellant no.2, Murari Goswami snatched her Mangal sutra and appellant No.2 Dipak Goswami snatched her gold earring.

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 there is delay of sixteen days in lodging the present F.I.R. and occurrence does not appear to have been committed in a public view as it has not been alleged who were the persons present at the place when the alleged offence of abuse was committed even though it is alleged that while the informant de-boarded from the bus alleged abuse was done. Lastly,



learned counsel for the petitioner submits that no injury report is available on record to substantiate the allegation of assault.

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 since the informant has alleged that she was de-boarded from the bus when the occurrence took place, hence, the offence of abuse can be said to be committed in a public view making out a under SC/ST Act.

6. Considering the entire facts and circumstances of the case and the fact that the alleged offence of abuse does not appear to be within a public view and the ingredients of Sections 354 and 379 I.P.C. does not appear to be probable in view of the fact that there is delay of 16 days in lodging the F.I.R., 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 Additional District and



Sessions Judge-17 -cum- Special Judge SC/ST (POA) Act,
Sasaram, Rohtas in connection with SC/ST P.S. Case No. 27 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 03.05.2025 rejecting the prayer for
grant of anticipatory bail to the appellants is, hereby, set
aside.

(Praveen Kumar, J)

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