

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2366 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- HASAN BAZAR District- Bhojpur

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1. BIMLA DEVI W/o- Raghunath Bhagat Village- Kataria Ps- Agioan Bazar Dist- Bhojpur
 2. Manju Kumari D/o- Raghnath Bhagat Village- Kataria Ps- Agioan Bazar Dist- Bhojpur

... .. Appellants

Versus

1. The State of Bihar
2. Neelam Kumari W/o- Jitendra Kumar Village- Narayanpur Ps- Hasanbazar Dist- Bhojpur

... .. Respondents

Appearance :

For the Appellants : Mrs. Malti Kumari, Advocate

For the Respondent-State: Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

6 18-02-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor appearing for the State and learned counsel for respondent No.2.

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 02.06.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Bhojpur at Ara, in A.B.P. No. 1285 of 2025, in connection with Hasanbazar P.S. Case No. 29 of 2025, registered under Sections 74, 77, 352, 351(2) of the Bhartiya Nyay Sanhita, 2023, and Section 3(1)(r)(s)(w), 3(2)(v) (a) of the 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, Nilam Kumari, alleged that her daughter had gone with her aunt for performing chhath puja at village Kataria. On 07.11.2024, on the day of chhath puja, while other family members had gone to chhath ghat, his daughter was alone in the house of informant's sister-in-law (gotni), accused Govinda Kumar, Vimla Devi and Manju Kumari, entered into the house and intimidating her at the point of weapon they took obscene picture of her daughter and the mother of accused Govinda Kumar, Bimla Devi, on 09.03.2025, threatened her daughter that if anything happens to her son, then all of them will be eliminated and her mother and father will be shot. The photographs were also sent to the relatives of the informant. The accused persons also abused them.

4. Learned counsel for the appellants submits that there is delay of over four months in lodging the present FIR without any plausible explanation. The appellants are ladies and it is submitted that no offence under Section 74 BNS would be made out in the facts and circumstances of the present case. As regards, the allegation of abusing with the caste name attracting



the rigors of SC & ST Act is concerned, the same does not appear to have been made in a public place. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that there are serious allegations against the appellants.

6. Considering the entire facts and circumstances of the case and also the fact that there is delay of more than four months in lodging of the FIR coupled with the fact that the offence with respect to BNS being not applicable against the appellants and the alleged abuses does not appear to be within the public view, 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 learned learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Bhojpur at Ara, in connection with Hasanbazar P.S. Case No. 29 of 2025, 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 02.06.2025 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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