

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2301 of 2026

Arising Out of PS. Case No.-361 Year-2025 Thana- UJIYARPUR District- Samastipur

Chhoti Devi Wife of Dukhi Mahto Resident of Village- Chandchaur, P.S.-
Ujiarpur, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Suraj Kumar, Adv

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-07-2026 Heard the parties.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against the order dated 20.05.2026 passed by the learned Special Judge, SC/ST, Samastipur in A.B.P. No. 1004/2026 in connection with Ujiarpur P.S. Case No. 361/2025 registered under Sections 126(2), 115(2), 117(2), 109, 191(2)(3), 190 and 121(1)(2) of the BNS and Sections 3(i)(r)(s) and 3(2)(v) of the SC/ST (POA) Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. As the informant in this case is police official, therefore, learned Spl. PP accepted notice on behalf of informant.



5. As per FIR, informant who is ASI of Bihar Police, when went to conduct raid along with police officials in connection with illegal excise activities, the appellant along with 14 named and 20-25 unknown villagers pelted stone on police team, as a result of which police vehicle was damaged and some of the police officials received injuries during the occurrence.

6. Learned counsel appearing for the appellant submitted that informant conducted raid in his official capacity being ASI of Bihar Police. It is submitted that appellant was not aware about the fact that informant who is police officer is a member of SC community. It is submitted that even FIR is not disclosing any allegation *qua* abusing in caste name in public view, therefore, implication of appellant under SC/ST Act appears bad in the eyes of law. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hitesh Verma v. State of Uttarakhand, [(2020) 10 SCC 710]**. Appellant is a lady and claimed clean antecedent.

7. Learned Special P.P. opposed the prayer of bail.

8. In view of the facts and circumstances, as mentioned above and by taking note of fact as allegation *qua*



pelting stone is appearing very much general and omnibus against this appellant, where prima-facie no allegation of abusing in caste name appears against appellant, accordingly, above-named appellant, who is a lady of clean antecedent, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Samastipur/concerned Court, where the case is pending in connection with Samastipur in A.B.P. No. 1004/2026 in connection with Ujiarpur P.S. Case No. 361/2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, impugned order dated 20.05.2026 is hereby set aside/quashed.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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