

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.635 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- SC/ST District- Saran

-
1. RAVINDRA MALAH @ RAVINDRA KUMAR @ RABINDRA MALAH
Son of Mokhali Malah Resident of Village - Durgapur, P.S.- Manjhi, District
- Saran
 2. Vivek Malah@ Vivek Kumar Son of Mokhali Malah Resident of Village -
Durgapur, P.S.- Manjhi, District - Saran
 3. Ramayan Malah Son of Bhuti Malah Resident of Village - Durgapur, P.S.-
Manjhi, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rameshwar Ram Kailash Ram R/O Village- Durgapur, P.S.- Manjhi,
District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 31-03-2026 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State, Mr. Binay Krishna.
2. No one appears on behalf of the respondent no.
- 2.
3. 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 05.10.2020 in A.B.P. No. 1384 of 2020 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge



S.C./S.T. (POA) Act, Saran at Chapra in connection with Chapra SC/ST P.S. Case No. 16 of 2020 registered for the offences punishable under Sections 147, 323, 354, 307, 504 and 379 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.

4. Learned counsel for the appellants submits that appellants are persons with clean antecedent. It is next submitted that the present FIR arises from a complaint case bearing Complaint Case No. SC/ST 03 of 2020. It is next submitted that the informant alleges that accused persons came to his house on 24.12.2019 and started abusing by taking caste name, on objection, Ravindra assaulted the informant by *khanti* causing injury on head, thereafter Saheb assaulted by lathi and when his wife Rita came to save him, accused Nakul acted inappropriately and Mahendra assaulted her by dab causing injury on head, thereafter Ranjan assaulted Manoj by *farsa* causing injury on head, while Ravi, Rajesh and Mukesh acted inappropriately with Maina and Suman Devi and when people gathered, they fled, hence a Complaint Case No. 03 of 2020 was instituted on 06.01.2020, based on which the instant FIR came to be instituted on 25.02.2020.

5. Learned counsel for the appellants submits that



the appellants have been falsely implicated in the instant case by the informant. It is next submitted that date of occurrence is 24.12.2019 and the complaint case came to be instituted on 06.01.2020 i.e. after a delay of more than 13 days, based on which the instant FIR was instituted on 25.02.2020. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of abuse and assault is alleged against the appellant nos. 2 and 3 and as far as appellant no. 1 is concerned, he is alleged to have assaulted the informant by *khanti* causing injury on head, but then it is submitted that injury suffered by the injured has been opined to be simple in nature and the occurrence is alleged to have taken place in the house of the informant, thus, was not in public view hence rigors of Section 18 of SC/ST Act would not apply and the blow is not alleged to be repeated. It is also submitted that it absolutely does not stand to reason that if what has been alleged is a correct fact then why no FIR at the initial stage was instituted, which also casts an aspersion on the case of the prosecution. It is next submitted that the case was taken up on 01.11.2021 when notices were issued on the respondent no. 2 and in the meantime it was directed that there shall be no coercive action against the appellants until further orders of this



Court, as such the investigation was not stayed, but then charge sheet till date has not been submitted.

6. Learned Spl. P.P. for the State opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 05.10.2020 in connection with Chapra SC/ST P.S. Case No. 16 of 2020, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chapra SC/ST P.S. Case No. 16 of 2020 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

