

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3176 of 2025

Arising Out of PS. Case No.-66 Year-2024 Thana- Lalamnia District- Madhubani

- 1. Ram Kumar Sah S/o- Mahadeo Sah R/o - Mansapur, P.S - Ladania, District - Madhubani
- 2. Lalita Devi W/o- Ram Kumar Sah R/o - Mansapur, P.S - Ladania, District - Madhubani
- 3. Madhuri Kumari @ Madhwi Kumari D/o- Ram Kumar Sah R/o - Mansapur, P.S - Ladania, District - Madhubani
- 4. Rishu Kumar @ Rishu Kumar Sah S/o- Ram Kumar Sah R/o - Mansapur, P.S - Ladania, District - Madhubani

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Savan Kumar Ram S/o- Santosh Ram R/o - Santnagar, P.S - Ladania, District - Madhubani

... .. Respondent/s

Appearance :
For the Appellant/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.PP
For the O.P. No.2 : Mr.Gagandev Yadav, Advocate
Mr.Udeshya Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 23-02-2026 Heard learned counsel appearing on behalf of the appellants; learned Spl.PP for the State and learned counsel for the O.P. No.2.

2. The appellants seek pre-arrest bail in connection with Lalmania P.S. Case No. 66 of 2024 registered for the offence(s) punishable under Sections 126(2), 115(2), 352, 351, 3(5) of the BNS; Sections 3(1)(r)(s) and 3(2)(v)(a) of the SC/ST (POA) Act, 1989.



3. As per the allegations made in the FIR, the appellants assaulted the informant and abused him by using his caste name while he was working at his house.

4. Learned counsel appearing on behalf of the appellants submitted that appellants are innocent and they have falsely been implicated in the present case. Learned counsel submitted that the alleged incident occurred due to business rivalry between the appellant no.1 and the informant, and that the appellant nos.2, 3 and 4, being the family members, have falsely been roped in the present case. The allegations made in the FIR are frivolous and concocted, and the appellants have neither assaulted nor abused the informant. Appellants have clean antecedents. On these grounds, the learned counsel submitted that the allegation being general and omnibus, the appellants seek to be released on pre-arrest bail.

5. *Per contra*, Mr. Udeshya Kumar Yadav has tendered his appearance on behalf of O.P. No.2 and vehemently opposed the prayer for grant of bail. Learned counsel submitted that informant has suffered considerably due to the acts of the appellants.

6. Mr. Binay Krishna, learned Spl.PP appearing on behalf of the State vehemently opposed the prayer for grant of



bail.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find it apposite, for proper appreciation of the rival contentions, to refer to the provisions of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, which is, *inter alia*, as follows:

“3. Punishments for offences of atrocities.-

(1) (r) Intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view.”

8. The term “any place within public view” initially came for consideration before the Apex Court in case of ***Swaran Singh & Ors. Vs. State through Standing Counsel & Anr.*** reported in ***(2008) 8 SCC 435***. In the case of ***Hitesh Verma Vs. State of Uttarakhand & Anr.*** reported in ***(2008) 8 SCC 435***, the Apex Court had reiterated the legal position in paragraph no.14 which is as under :

“14. Another key ingredient of the provision is insult or intimidation in “any place within public view”. What is to be regarded as “place in public view” had come up for consideration before this Court in the judgment reported as *Swaran Singh v. State*[*Swaran Singh v. State*, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] . The Court had drawn distinction between the expression “public place” and “in any place within public view”. It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a



place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view (sic) [Ed.: This sentence appears to be contrary to what is stated below in the extract from Swaran Singh, (2008) 8 SCC 435, at p. 736d-e, and in the application of this principle in para 15, below: “Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view.”] . The Court held as under : (SCC pp. 443-44, para 28) “28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a “chamar”) when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression “place within public view” with the expression “public place”. A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies.”

9. A reference in this regard can also be taken to a recent judgment passed in the case of ***Karuppudayar Vs. State Rep. By the Deputy Superintendent of Police, Lalgudi Tricy & Ors.*** arising out of ***Special Leave Petition (criminal) No.8778-***



8779 of 2024), reported in 2025 INSC 132.

10. Having heard the rival submissions made on behalf of the parties, as well as, upon thoughtful perusal of the allegations made in the FIR, I find that the alleged offence took place in public view at the door of the informant on account of business rivalry between the appellant no.1 and the informant. In such circumstances, **I am not inclined to enlarge the appellant no.1 on pre-arrest bail.**

11. So far as, appellant nos. 2, 3 and 4 are concerned, they being family members of appellant no. 1, and only general and omnibus allegations having been levelled against them, I find that appellant nos. 2, 3 and 4, having clean antecedent, have, *prima facie*, made out a case to be released on pre-arrest bail.

12. The appellant nos.2, 3 and 4, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Lalmania P.S. Case No. 66 of 2024, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C/482 of the BNSS.

13. Accordingly, the impugned order is set aside and
the present appeal is allowed.

(Purnendu Singh, J)

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