

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4013 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- SC/ST District- East Champaran

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1. Madan Rai Son of Basdev Rai Village- Tikuliya, P.S- Muffasil Motihari, District- East Champaran, Bihar
 2. Indu Devi Wife of Madan Rai Village- Tikuliya, P.S- Muffasil Motihari, District- East Champaran, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmala Devi Wife of Late Deenanath Ram Village- Tikuliya, P.S- Muffasil Motihari, District- East Champaran, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 04-02-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor appearing for the State and 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 23.07.2024 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in A.B.P. No. 3166 of 2024 in connection with Motihari SC/ST P.S. Case No. 46 of 2024 registered under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code read with Section 3(1)(r)(s), 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, namely, Nirmala Devi, alleged that on 14.06.2024 at 03:00 P.M., the appellants along with two other named accused persons assaulted the minor son of the informant with fists and leg, when the informant opposed, they also assaulted and thrashed her on the ground and abused her by taking caste name and disrobed her too. It is further alleged that since the informant belongs to the category of untouchable, her free movement to public places causes inconvenience to the accused persons. It is also alleged in the FIR that the appellants along with their daughters named in the FIR also snatched gold chain worth Rs. Two lakhs. It is stated in the FIR that as the issue was being deliberated in Panchayati, there was delay in lodging the same.

4. Learned counsel appearing for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the accused persons including these appellants. Although there is allegation of assault in the



F.I.R. against the appellants, but no injury report is available on record to substantiate the allegation as alleged in the F.I.R. Learned counsel for the appellants submits that there is a delay of twelve days in lodging the FIR, moreover due to dispute over the drainage to flow of dirty water in a drain, the pity dispute has been given the colour of a serious dispute resulting into false allegation by the prosecution side. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act is made out against the appellants. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor as well as learned counsel for the respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submit that there is a complete embargo under Section 18 of SC/ST Act, so as to not to entertain the anticipatory bail application. The appellants are musclemen and they create disturbance in the society.



6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that there is delay in lodging the FIR and the allegation does not come under the purview of SC/ST Act, 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 Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Motihari SC/ST P.S. Case No. 46 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 22.06.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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