

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3864 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- SC/ST District- Gopalganj

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Usha Devi W/o Ramashankar Yadav R/o Village- Baghawa Tiwari Tola, Ward
No. 03, P.S.- Bhore, District- Gopalganj

... .. Appellant

Versus

1. The State of Bihar
2. Manisha Raj W/o Dinesh Kumar R/o Village- Rajaram Narhawa, P.S.-
Gopalpur, District- Gopalganj

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Vyas Kumar Mishra
For the Respondent/s : Mr. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-03-2026 Heard learned counsel for the appellant and learned

Spl. P.P. for the State.

2. 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 21.08.2025 in A.B.P. No. 1675 of 2025 passed by the learned Additional Sessions Judge-XI-cum-Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with SC/ST P.S. Case No. 32 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 351(2), 352 of BNS and Sections 3(1)(द), 3(1)(ध), 3(2)(va) of the SC and ST Act.

3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and is a woman and the informant alleges that she is posted as Supervisor in the



Office of CDPO, further on 27.05.2025 as per official instruction informant called the appellant on phone and asked about the development of Aayushman Yojna when she started abusing, further appellant on 27.05.2025 itself at 12:26 pm came to the Office and tried to assault and used filthy language.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant being her superior, it is next submitted that as far as allegation of abusing on phone is alleged, the same by no stretch of imagination can come within public view but then it is submitted that informant also alleges that on 27.05.2025, the appellant came to her Office and tried to assault and used filthy language but then the FIR does not disclose that as to what filthy language was used by the appellant as it is not alleged that appellant abused the informant by taking caste name. It is next submitted that as far as allegation of trying to assault is alleged, the same is ornamental in nature. It is further submitted that the date of occurrence is 27.05.2025 and the FIR came to be instituted on 4.06.2025.

5. Learned Spl. P.P. for the State submits that since FIR has been instituted by an official, as such, the informant is being represented by learned Spl.P.P., but then learned Spl.P.P. is



not in a position to rebut the submission made by learned counsel appearing on behalf of the appellant that abuse on phone does not come within public view and allegation of assault is ornamental and the FIR does not disclose what filthy language was used by the appellant.

6. In view of the submissions made by the learned counsel for the parties, the order dated 21.08.2025 in A.B.P. No. 1675 of 2025 passed by the learned Additional Sessions Judge-XI-cum-Special Judge S.C./S.T. (POA) Act, Gopalgan in connection with SC/ST P.S. Case No. 32 of 2025 is hereby set aside and the appellant above-named, in the event of his 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 SC/ST P.S. Case No. 32 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Gaurav Sinha/-

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