

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5357 of 2024

Arising Out of PS. Case No.-212 Year-2024 Thana- BHAGWANPUR District- Vaishali

1. Bhola Sahni Son of Laxman Sahni Village- Asoi Lachchiram, P.S- Bhagwanpur, District -Vaishali
2. Sanja Devi @ Sandhaya Devi @ Sandhya Devi Wife of Bhola Sahni Village- Asoi Lachchiram, P.S- Bhagwanpur, District -Vaishali
3. Videshi Sahni Son of Laxman Sahani Village- Asoi Lachchiram, P.S- Bhagwanpur, District -Vaishali
4. Sima Devi @ Siya Devi Wife of Videshi Sahni Village- Asoi Lachchiram, P.S- Bhagwanpur, District -Vaishali

... .. Appellants

Versus

1. The State of Bihar
2. Meena Devi Wife of Vishwanath Ram Village- Asoi Lachchiram, P.S- Bhagwanpur, District -Vaishali

... .. Respondents

Appearance :

For the Appellants : Mr. Awadhesh Kumar Singh, Advocate

For the Respondent-State: Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 12-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State. There is no representation on behalf of respondent No.2, though vakalatnama has been filed on her behalf.

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 30.09.2024 passed by learned Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in A.B.P. No. 2395 of 2024 in connection with



Bhagwanpur P.S. Case No. 212 of 2024, registered under Sections 126(2), 115, 118(1), 352, 351(2), 3(5) of the BNS Act 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, Meena Devi, alleged that the appellants used to throw garbage in the field, which she had taken on *batai*, they sell liquor and used to abuse her, on protest, she was abused by taking her caste name and they also assaulted her by *lathi* causing injury on her head. They are musclemen and used to threat her that she will be eliminated.

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 no specific date has been give and only general and omnibus allegation has been levelled 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 said allegation. Learned counsel for the



appellants submits that due to land dispute this false case has been lodged against the appellants. As regards allegation of abuse by taking 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 has 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 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 Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 212 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 30.09.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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