

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.44 of 2025

Arising Out of PS. Case No.-455 Year-2017 Thana- GHORASAHAN District- East
Champaran

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1. Pritam Giri S/O Late Bihari Giri Resident of village Baidhanathpur , P.S.- Jharokhar, District- East Champaran
 2. Rishi Giri Son of Late Bihari Giri Resident of village Baidhanathpur , P.S.- Jharokhar, District- East Champaran
 3. Laxmi Devi @ Sushila Devi Wife of Gautam Giri Resident of village Baidhanathpur , P.S.- Jharokhar, District- East Champaran
 4. Kunti Devi Wife of Pritam Giri Resident of village Baidhanathpur , P.S.- Jharokhar, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ravishankar Paswan Son of- Late Jawahir Paswan Resident of Village- Baijnathpur, Ward No.- 09, P.S.- Jharokhar, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-04-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Mr. Binay Krishna and the learned counsel appearing on behalf of the informant.

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 26.10.2024 in A.B.P. No. 4533 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Chamaparan at Motihari in connection



with Ghorasahan (Jharokhar) P.S. Case No. 455 of 2017 registered for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellant nos. 3 and 4 are women and the informant alleges that on 07.09.2017 at 08:00 Pm, the appellants came and started abusing by caste name and threatened to implicate them in a case under Section 307 IPC and Laxman assaulted on his private part.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence took place at the house of the informant, hence, was not in public view and as far as allegation of abuse is alleged, the same is general and omnibus in nature. It is also submitted that it does not appear probable that all accused in one go would have abused the informant by caste name. It is also submitted that the allegation that Laxman assaulted the informant on his private part, is an exaggerated allegation, as there is no injury report on record. It is further submitted that police after investigation submitted final form in the year 2019 and thereafter cognizance came to be taken.



5. At this stage, the learned counsel appearing on behalf of the informant submits that he has instruction not to oppose the appeal, as parties have compromised.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 26.10.2024 in A.B.P. No. 4533 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Chamaparan at Motihari in connection with Ghorasahan (Jharokhar) P.S. Case No. 455 of 2017, **is hereby set aside** and the appellants 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 Trial Court where the case is pending/successor court in connection with Ghorasahan (Jharokhar) P.S. Case No. 455 of 2017 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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