

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.174 of 2025

Arising Out of PS. Case No.-14 Year-2024 Thana- SC/ST District- Sheohar

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Ratnesh Upadhyay @ Ratnesh Kumar Son of Late Shatrudhan Upadhyay
village - Mahuariya, P. S - Sheohar, District - Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dashrath Paswan son of Late Ramashish Paswan Village- Mahuariya, Ward
no. 16, Ps- Sheohar, Dist - Sheohar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 23-12-2025 1. Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

2. An order, dated 29.10.2024, passed by learned
Additional Special Judge-cum-Special Judge, Sheohar, in ABP
No. 352 of 2024, is under challenge in the present appeal
preferred under Section 14-A (2) of the Schedule Caste and
Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby
the anticipatory bail application of the appellant in connection
with Sheohar SC/ST Police Station Case No. 14 of 2024
registered for the offence punishable under Sections 126(2),



115(2), 118(1), 352, 351(2), 190 of the BNS, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, 1989, has been rejected.

3. As per the prosecution story, on 10.10.2024, the nephew of the informant had gone to see the cultural program during the Durga Puja festival, where appellant along with other accused persons, abused by his caste name and assaulted by fist and slaps, etc.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to political rivalry inasmuch as the cousin of the appellant, Manoj Upadhyay, had contested in the Panchayati Election. He further submits that the informant is in the habit of lodging case against the family members of the appellant under SC/ST Act inasmuch as earlier, the brother of the informant, Subodh Paswan, had lodged Tariyani PS Case No. 54 of 2017 under the SC/ST Act and other Sections of I.P.C. against the cousin brother of the Appellant namely Manoj Upadhyay. As per the allegation, occurrence took place in the night and there is no allegation that abuse by the caste name was in the full public view.

5. Despite service of notice, no one appears for the informant.



6. Learned Special Public Prosecutor SC/ST opposes the prayer for anticipatory bail and submits that the appellant along with other accused persons assaulted the informant by fist and slaps and also abused him by caste name.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, the occurrence has taken place due to the political rivalry and the abuse by the caste name was not in full public view, I am inclined to grant the appellant privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 29.10.2024, passed by learned Additional Special Judge-cum-Special Judge, Sheohar, in ABP No. 352 of 2024, is set aside.

9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four 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 learned Additional Special Judge-cum-Special Judge, Sheohar, in connection with Sheohar SC/ST Police Station Case No. 14 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal



Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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