

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.264 of 2025

Arising Out of PS. Case No.-208 Year-2024 Thana- KURTHA District- Jehanabad

1.

Sanjeet Kumar S/o- Krishna Yadav, Vill- Mahadev Bigha, P.S. - Kurtha, Dist- Arwal
2.

Raushan Kumar S/o- Krishna Yadav, Vill- Mahadev Bigha, P.S. - Kurtha, Dist- Arwal

... .. Appellant/s

Versus

1.

The State of Bihar
2.

Rajender Paswan S/o- Late Karu Paswan, Vill- Mahadev Bigha, P.S. - Kurtha, Dist- Arwal

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar, Advocate
For the State : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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12-11-2025

Heard Ld. counsel for the appellants and Ld. Special Public Prosecutor for the State.

2. The present criminal appeal has been preferred by the appellants for grant of anticipatory bail under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 18.12.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Jehanabad in A.B.P. No. 1684 of 2024, arising out of Kurtha P.S. Case No. 208 of 2024, whereby learned Court below has rejected the anticipatory bail petition of the appellants.



3. As per allegation, appellant No. 2, Raushan Kumar, entered into the dwelling house of the informant and committed theft and when he started fleeing away and was being followed by the informant, he fled away taking the caste name of the informant and name of the appellant No.1, Sanjeet Kumar, has been also taken as a thief.

4. Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that as per the allegation, no offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out, because as per the case of the informant, when the appellant No.2, Raushan Kumar, was followed by him, he was called by his caste name by the appellant, Raushan Kumar. He also submits that allegation is frivolous and malafide on account of previous enmity.

5. It is also stated in paragraph no. 2 of the petition that the appellants have not moved earlier before this Court for grant of anticipatory bail. It has further been stated in paragraph no. 3 that the appellants have no criminal antecedents.

6. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellants for bail



submitting that this case is registered under SC/ST Act and anticipatory bail petition is not maintainable in view of Section 18 of the SC/ST Act.

7. I considered the submissions advanced by both the parties and perused the material on record.

8. I find that as per the allegation, the informant was called by the appellant No.2, Raushan Kumar, by his caste name in his house without presence of any other. As such, the alleged offence has not been committed at public place or in public view. As such, *prima facie* no offence is made out under SC/ST Act. As far as the merit of the prosecution case, the allegation appears to be petty and frivolous.

9. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 18.12.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Jehanabad in A.B.P. No. 1684 of 2024, arising out of Kurtha P.S. Case No. 208 of 2024, directing the appellants, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand)



each with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Kurtha P.S. Case No. 208 of 2024, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the appellants have any criminal antecedents, learned court below shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellants.

(Jitendra Kumar, J.)

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