

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.385 of 2025

Arising Out of PS. Case No.-114 Year-2023 Thana- DIDARGANJ District- Patna

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Vinod Kumar @ Binod Kumar S/o Ajay Yadav, R/o Village- Janakpur, P.S.-
Gaurichak, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/o Manoj Das, R/o Village- Fatehpur Ravidas Tola, P.S.-
Didarganj, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravish Mishra, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 12-11-2025 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

2. The present criminal appeal has been preferred by the appellant 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 23.12.2024 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Civil Court (Sadar), Patna in A.B.P. No. 5230 of 2024, arising out of Didarganj P.S. Case No. 114 of 2023, whereby learned Court below has rejected the anticipatory bail petition of the appellant.

3. As per allegation, the appellant and other co-



accused were using indecent and abusive language and abusing someone by the caste name of *Chamar*. When the informant asked why he is abusing by caste name, she was assaulted.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that as per the allegation, no *prima facie* case is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, because it has not been alleged that it is the informant who was being abused by her caste name and it is also not stated that she was abused by caste name when she protested. As such, no offence is made out under SC/ST Act against the appellant. He also submits that other allegations are false and frivolous.

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

6. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for anticipatory 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. In view of the submissions, I find that no *prima facie* case is made out against the appellant, as per allegation made in the F.I.R. Hence, anticipatory bail petition filed before the Court below was maintainable. Learned Court below has wrongly rejected the anticipatory bail petition of the appellant.

8. Accordingly, the present appeal is allowed, setting aside the impugned order dated 23.12.2024 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Civil Court (Sadar), Patna in A.B.P. No. 5230 of 2024, arising out of Didarganj P.S. Case No. 114 of 2023, directing the appellant, above-named, to be enlarged on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Didarganj P.S. Case No. 114 of 2023, 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 appellant has any criminal antecedents, learned court below shall cancel the bail bonds of the appellant after



hearing him and getting satisfied that the appellant has concealed his criminal antecedent despite his 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 appellant.

(Jitendra Kumar, J.)

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