

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.558 of 2025

Arising Out of PS. Case No.-130 Year-2024 Thana- GHOSWARI District- Patna

Niwesh Yadav @ Mukesh Kumar, Son of Bablu Yadav, Resident of Village Goshain Gaon, Post Office Dhanakdobh, Police Station- Ghoswari, District- Patna.

... .. Appellant

Versus

- 1. The State of Bihar
- 2. Santosh Ram, Son of Opendra Ram, Resident of Village and P.O.- Dhanakdobh, Police Station -Ghoswari, District- Patna.

... .. Respondents

Appearance :

For the Appellant : Mr. Ravi Shanker Pankaj, Advocate
For the State : Mr. Binay Krishna, APP

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 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 18.09.2024 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Patna in connection with A.B.P No.3656 of 2024 arising out of Ghoswari P.S. Case No.130 of 2024, whereby the Anticipatory Bail Petition of the Appellant has been rejected holding that prima facie case is made out under the SC/ST Act and the anticipatory bail petition of the Appellant is



not maintainable.

3. As per allegation, the Appellant and other co-accused got the motorcycle of the informant stopped and snatched an amount of Rs.10,000/- from him and also demanded further Rs.1,00,000/- abusing him by calling him harijan and he was also addressed by caste indicating words.

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 made in the FIR, no prima facie case under the SC/ST Act is made out and the Anticipatory Bail Petition was maintainable before the Court below. However, the Court below has erroneously rejected the A.B.P of the Appellant. He further submits that for application of SC/ST Act, there must be reference to the specific words used against the victim showing his caste name which comes under SC/ST community but in the allegation there is no such reference to specific word showing that the victim has been abused by his caste name.

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 antecedents.



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

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

8. I find that no specific word has been mentioned by the informant showing that the informant was abused by his caste name with intent to humiliate him.

9. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 18.09.2024, passed by learned Exclusive Special Judge SC/ST, Patna in A.B.P. No.3656 of 2024, arising out of Ghoswari P.S. Case No.130 of 2024, directing the petitioner, 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 Ghoswari P.S. Case No.130 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 appellant has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents 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.

10. The appeal stands **allowed**, accordingly.

(Jitendra Kumar, J.)

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