

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.681 of 2025

Arising Out of PS. Case No.-492 Year-2024 Thana- TEKARI District- Gaya

Hiralal @ Hira Yadav, Son of Mani Yadav, Resident of Village - Pachmahala,
P.S. - Tekari, District - Gaya. Depicted on F.I.R. at present Village - Sowal
Tola - Vishunpur, P.S. - Tekari, District – Gaya.

... .. Appellant

Versus

1. The State of Bihar
2. Anil Kumar, Son of Late Haricharan Paswan, Resident of Village - Jagdishpur, P.O. - Lahri, P.S. - Manikpur, District – Arwal.

... .. Respondents

Appearance :

For the Appellant	:	Ms. Soni Kumari, Advocate
For the Respondents	:	Mr. Sadanand Paswan, 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 20.01.2025 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Gaya in connection with A.B.P. No. 414 of 2024 arising out of Tekari P.S. Case No. 492 of 2024, whereby the Anticipatory Bail Petition of the Appellant was dismissed as not maintainable.

3. As per allegation, the son of the Informant was



killed by the co-accused, Amod Kumar Paswan on occasion of Tilak ceremony at the house of Rangi Paswan. As per further case of the Informant, the Appellant and other co-accused were also armed with rifals and other firearms and the informant was found to be stating that the informant will realize what they are.

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 offence at all is made out under the SC/ST Act because there is not even a whisper in regard to commission of offence under SC/ST Act and the victim as well as the Appellant belong to the SC/ST community. Hence, there is no question of application of SC/ST Act. He also submits that only allegation against the Appellant is that he was saying that “now the father of the deceased would realize what those people were”.

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 two 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 rival submission of the parties and



perused the material on record.

8. I find that for want of any allegation in regard to commission of offence under the SC/ST Act and the Assailant and the Victim belonging to the SC/ST community, SC/ST Act is not applicable in the alleged facts and circumstances. Hence, Anticipatory bail petition filed before the Court below was maintainable and it has been erroneously rejected as not maintainable by learned Court below. I further find on merit that there is no allegation of any overt act against the Appellant.

9. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 20.01.2025, passed by Id. Exclusive Special Judge, SC/ST Act Gaya, in A.B.P. No.414 of 2024, arising out of Tekari P.S. Case No. 492 of 2024, 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 Tekari P.S. Case No. 492 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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