

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.855 of 2025

Arising Out of PS. Case No.-313 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

1. Sanjay Gond Son of Late Dwarika Gond Resident of Village- Aihrauli, P.S.- Buxar (I), District- Buxar
2. Radhika Devi Wife of Late Dwarika Gond Resident of Village- Aihrauli, P.S.- Buxar (I), District- Buxar
3. Sima Devi W/O- Sanjay Gond Resident of Village- Aihrauli, P.S.- Buxar (I), District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Paul Kumari Devi W/O- Budhu Gond Resident of Village- Aihrauli, P.S.- Buxar (I), District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. (Mr.) Kamal Deo Sharma, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-09-2025 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 04.02.2025 in A.B.P. No. 87 of 2025 passed by the learned 1st District & Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Buxar in connection with Buxar(I) P.S. Case No. 313 of 2024 registered under Sections 191(2), 190, 329(3), 109 and 118(1) of the BNS as well as Sections 3(1)(r)(s)



and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that from perusal of the office report dated 16.06.2025, it would manifest that the same records that ordinary notice has been received by the daughter of the respondent no. 2.

4. Since the daughter of the respondent no. 2 has received the notice, as such, the notice is deemed to be validly served.

5. Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellants no. 2 and 3 are women and all the appellants belong to the same community as that of the informant, as such, SC/ST Act is not attracted against the appellants.

6. It is further submitted that the informant alleges that the accused persons including the appellants came variously armed to the house of the informant's brother-in-law and started assaulting and abusing the family members of the informant. It is next submitted that allegation of abuse and assault is general and omnibus in nature and since the appellants also belong to the same community as that of the informant, hence, no offence under the SC/ST Act is made out. It is also submitted that



similarly situated co-accused Sudama Gond along with Golu Kumar Gond had approached this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No. 1632 of 2025 and the same was allowed by an order dated 13.05.2025 passed by a learned Coordinate Bench of this Court.

7. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

8. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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