

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.886 of 2025

Arising Out of PS. Case No.-296 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

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1. Narad Majhi @ Arvind Kumar Choudhary @ Narad Manjhi S/o- Late Bharat Majhi Resident of Village- Umarpur, PS- Buxar (Ind), District- Buxar
 2. Sanjit Majhi @ Sanjit Choudhary S/o- Dinanath Majhi Resident of Village- Manjhariya, PS- Buxar (Ind), District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Anand Paswan S/o- Late Mahendra paswan Resident of Village- Umarpur, PS- Buxar (Ind), District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Rai Sharma

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. An appearance has been filed on behalf of the respondent no. 2, however, no one is appearing and this Court has been informed that on the last date also, no one appeared on behalf of the respondent no. 2. The case is thus, being heard in presence of the Special Public Prosecutor.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 30.01.2025, passed by learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Buxar in connection with Buxar (Ind) P.S. Case No. 296 of 2024, registered under Sections



126(2), 115(2), 352, 351(3), 351(2), 3(5) of the B.N.S. and Sections 3(i) (r)(s) of SC/ST Act.

4. The case of the prosecution is that on 21.11.2024 at at around 9 a.m. the informant was forcibly taken on a motorcycle by two accused persons including the appellant no. 2 and were taken to a boring where other accused persons including appellant no. 1 were also present and he was hurled caste based abuses and also assaulted.

5. Learned counsel for the appellants, at the outset, submits that from a bare perusal of the first information report it would be apparent that there is a general allegation of hurling of caste based abuses but the same is not in public view as according to the case of the prosecution, the informant was taken to a deserted place and there is no independent witness to the said occurrence. It has been submitted that the FIR has been lodged with mala fide intention after 27 days of the occurrence, inasmuch as while the occurrence took place on 21.11.2023, the FIR was lodged on 18.12.2024 and no plausible explanation for the same has been tendered by the informant. It has also been submitted that barring the provisions of SC/ST Act all the other provisions areailable in nature.

6. Learned Spl.PP for the State has opposed the prayer for anticipatory bail on the grounds of allegation made in the first



information report.

7. Considering the fact that there is no public view alleged in the first information report with regard to hurling of caste based abuses and there seems to be enmity between the parties with regard to some issue, prima facie the provisions of the SC/ST Act do not seem to get attracted.

8. Taking into consideration the facts and circumstances and also considering the delay in the FIR coupled with the fact that the informant has not suffered any injury etc. as a consequence of any assault, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st- cum-Special Judge, SC/ST (POA) Act, Buxar in connection with Buxar (Ind) P.S. Case No. 296 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Soni Shrivastava, J)

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