

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1349 of 2025

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

Shankar Kumar @ Santosh Yadav S/O Fulchand Yadav R/O Village-
Pachmahla, P.S- Tekari, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar S/O Late Haricharan Paswan R/O Village- Jagdishpur, P.S-
Manikpur, Distt.- Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Aryan Singh
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-11-2025 Heard learned counsel for the appellant, learned counsel
for the respondent no. 2 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, (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for anticipatory bail vide
order dated 25.02.2025, passed by learned Exclusive Special
Judge, SC/ST Gaya in connection with Tekari P.S. Case No. 492
of 2024, registered under Sections 127(1), 127(2), 103(1),
351(2), 3(5) of the B.N.S. and Sections 3(2) (va), 3(2) (v), 3(1)
(s) and 3(1)(r) of SC/ST Act.

3. The allegation in the first information report is that on



the day when Tilak ceremony of the daughter of the informant was being performed, one Amod Kumar Paswan fired shot at the son of the informant Kundan Kumar and other accused persons have also been stated to have been in possession of rifle and bullets and were supporting the said incident.

4. Learned counsel for the appellant, at the outset, submits that it would be evident from the first information report that the name of the appellant has transpired at the fag end of the FIR by stating that at the hospital people had stated that Amod Kumar Paswan had used the rifle of Santosh Yadav i.e. the present appellant for firing at the informant's son. But for this vague allegation, there is no other material to connect the appellant to the present occurrence. It has also been submitted that some dispute had taken place in the ceremony on account of which the occurrence took place and it cannot be stated that the incident took place for the purpose of causing humiliation to any person belonging to the scheduled caste community and thus, the provisions of the SC/ST Act would not apply. Learned counsel for the appellant has also submitted that name of the appellant has not been mentioned even amongst those persons who were armed with firearms and were supporting the act of the assailant Amod Kumar Paswan.



5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail on the grounds of allegation made in the first information report.

6. Considering the fact that the occurrence did not take place on account of the fact of causing humiliation to the person belonging to the scheduled caste community and the allegation of abuses etc. are also general and omnibus in nature and are not said to be loaded with caste based indications. As such, the provisions of the SC/ST Act *prima facie* do not seem to get attracted.

7. Taking into consideration the facts and circumstances and also considering that the appellant has not been attributed with any specific allegation of assault rather only a vague allegation has been made against him, coupled with the fact that the appellant has no criminal antecedent, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Gaya in connection with Tekari P.S. Case No. 492 of



2024, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

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

(Soni Shrivastava, J)

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