

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1301 of 2025

Arising Out of PS. Case No.-60 Year-2024 Thana- SC/ST District- Gaya

Santosh Kumar S/o- Durga Singh Resident of Village- Bishunpura, P.S.- Sherghati, District- Gaya,

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhay Kumar S/o- Jagdish Ram Moh- Ekata Colony Kaler Ps- Magadh Medical Dist- Gaya, P, A- Head Master Middle School Dhandhopur Cherki Ps- Sherghati Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-12-2025 Heard learned counsel for the appellant and learned Spl.P.P. for the State. However, no one appears on behalf of respondent no.2 despite valid service of notice.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 19.02.2025 passed by the learned Court of Exclusive Special Judge, SC/ST Act, Gaya in connection with SC/ST P.S. Case No.60 of 2024 registered under Sections 351(2) and 352 of BNS, 2023 and Sections 3(1) (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegations in the F.I.R is that appellant, who is a government teacher, used caste indicative words at the



informant and even threatened him.

4. Learned counsel for the appellant submits that the present F.I.R has been lodged after due thought and deliberation, 16 days after the occurrence, inasmuch as occurrence is said to have taken place on 16.11.2024 and F.I.R came to be lodged on 01.12.2024. It is further submitted that the dispute between the appellant and the informant arose over plucking of leaves and on account of alleged improper execution of Mid-Day Meal Scheme by the informant. It is thus contended that the prosecution is motivated and that the provisions of the SC/ST Act have been added merely ornamentally by making false allegations. Further, the appellant is a government servant and there is no chance of absconding. The appellant undertakes to co-operate in case/trial.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant based upon the allegation made in the F.I.R.

6. From a perusal of the F.I.R., it appears that the dispute pertained to the plucking of leaves and not to the improper execution of the Mid-Day Meal Scheme. In this background, the provisions of the SC/ST Act appear to have been added ornamentally and do not *prima facie* seem to be



made out.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that dispute had taken place between teacher as also with the principal of the school on account of different reasons and there is no allegation of indulging in any assault, coupled with the fact that appellant is a government teacher having no criminal antecedent, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Act, Gaya in connection with SC/ST P.S. Case No.60 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Soni Shrivastava, J)

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