

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1503 of 2025**

Arising Out of PS. Case No.-39 Year-2025 Thana- Kadirganj P.S. District- Nawada

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Annu Kumar @ Anup Kumar S/o Arun Prasad R/o Vill.- Gotaryan, P.S.-
Nardiganj, District- Nawadah

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Choudhary S/o Somar Choudhary R/o Vill.- Paura, P.S.- Kadirganj,
District- Nawadah

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.PP

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

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

2. Despite issuance and valid service of notice upon
respondent no.2, none appears on behalf of the respondent no.2.
However, the matter is being heard in the presence of the
learned Spl.PP for the State.

3. This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 05.02.2025 passed by learned Exclusive
Special Judge, Special Court SC/ST (POA) Act, Nawada in



connection with Kadirganj P.S. Case No. 39 of 2025 registered under Sections 191(1), 191(3), 190, 126(2), 127(2), 115(2), 118(1), 109, 74, 303(2) of the B.N.S. and Section 3(1)(r)(s) of the SC/ST Act.

4. The case of the prosecution is that the informant's daughter was intercepted by one Bittu Kumar and Gautam Kumar who indulged in assaulting her and thereafter, when the informant along with his other family members went there, the other co-accused persons being 12 in number including the present appellant, whose name figures at serial no.14, came variously armed and hurled caste based abuses and also indulged in assault causing injuries.

5. Learned counsel appearing on behalf of the appellant submits at the outset that the name of the appellant has been taken at the end of the F.I.R. with general and omnibus allegation of hurling abuses and assault. The specific allegation of assaulting and initiating the entire occurrence is upon two other co-accused persons, namely Bittu Kumar and Gautam Kumar. It has further been argued that the F.I.R. does not indicate that the occurrence had taken place within public view and the allegations of SC/ST Act have only been added ornamentally in order to increase the seriousness of the offence.



Further, the injuries caused to the informant and others are all simple in nature with regard to one injury suffered by one Saurav Kumar, who suffered one grievous injury, there is nothing to show as to who was the author of the said injury. It has also been submitted that the F.I.R. discloses that the occurrence had taken place at a fall out of dispute that had taken place in the process of the idol immersion during Sarawasati Puja.

6. Learned Spl. PP for the State opposed the grant of anticipatory bail on the basis of allegation made in the first information report and also the injuries caused.

7. Considering the fact that no public view has been alleged in the first information report and the occurrence having taken place on account of dispute with regard to idol immersion during Sarasawati Puja, it appears that the provisions of the SC/ST Act have been ornamentally added and thus *prima facie* offence does not seem to be attracted.

8. Taking into account the facts and circumstances of the case and also considering the general and omnibus nature of allegation against appellant coupled with the fact that the informant and others have suffered mostly simple injuries and also considering that the appellant is a young student aged about



21 years, having 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 learned Exclusive Special Judge, Special Court SC/ST (POA) Act, Nawada in connection with Kadirganj P.S. Case No. 39 of 2025, 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 this appeal is allowed.

(Soni Shrivastava, J)

anand/-

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