

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1609 of 2025

Arising Out of PS. Case No.-438 Year-2024 Thana- BELAGANJ District- Gaya

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1. Bhushan Yadav @ Bhusan Yadav, Male, aged about 48 years S/O Jagdish Yadav R/O Vill.- Korma, P.S.- Belaganj, Dist.- Gaya.
 2. Shubham Yadav @ Shubham Kumar, Male aged about 21 years, S/O Bhushan Yadav @ Bhusan Yadav R/O Vill.- Korma, P.S.- Belaganj, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamla Devi W/O Ramashish Paswan R/O Vill.- Harigaon Tola, Kali Sthan, Korma, P.S.- Belganj, Dist.- Gaya.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 12-11-2025 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 bail *vide* order dated 27.01.2025 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Belaganj P.S. Case No. 438 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 74, 352, 351(2) & 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 3(i)(r)(s), 3(2)(va) of the SC/ST Act.



3. The prosecution case, in short, is that the accused persons, including the petitioners, had a scuffle with certain other persons. Thereafter, they came to the house of the informant and started abusing in filthy and caste-indicative language. When the informant Kamla Devi and her daughter Ravina Kumari inquired about the reason for such behaviour, the accused persons allegedly caught hold of their hair, pushed them, and assaulted them. It is further alleged that the accused persons used caste-indicative remarks, threatened to kill the informant and her family members and claimed to be criminals. Petitioner no. 2, Shubham Yadav, along with some unknown persons, is alleged to have brandished a pistol and threatened with dire consequences. On raising an alarm, the accused persons fled away, threatening that if they found Jackey Paswan, they would kill him.

4. Learned counsel for the appellants submits that the appellants are innocent and they have been falsely implicated in the present case. It is further submitted that the FIR was instituted on 20.07.2024, i.e., after a delay of four days from the date of the alleged occurrence, without any plausible explanation for such delay. It is next contended that the alleged occurrence took place inside the house of the informant, and



therefore, the same cannot be said to have occurred in a public place or in public view. As such, no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants. Further submission is that there is no specific overt act attributed to any of the appellants; rather, the allegations are omnibus and general in nature. Lastly, it has been submitted that the appellants are persons of clean antecedents, having no previous criminal record.

5. Earlier notice was issued to the respondent no. 2, but no one appeared on behalf of the respondent no. 2.

6. Learned Special Public Prosecutor for the State vehemently opposed the prayer of the appellants.

7. Having considered the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Belaganj P.S. Case No. 438 of 2024, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha



Sanhita, 2023.

8. The impugned order dated 27.01.2025 passed in Belaganj P.S. Case No. 438 of 2024 by the learned Exclusive Special Judge, S.C./S.T., Gaya is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

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