

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1672 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- MANER District- Patna

-
1. Sudama Ray @ Sudama Yadav S/O Late Madan Ray Resident of Mahuari Bagicha, P.S.- Maner, District- Patna
 2. Hari Om Yadav @ Hariom Kumar S/O Sudama Ray Resident of Mahuari Bagicha, P.S.- Maner, District- Patna
 3. Alok Kumar S/O Sudama Ray Resident of Mahuari Bagicha, P.S.- Maner, District- Patna
 4. Uma Shankar Kumar @ Dharmdev Yadav S/O Sudama Ray Resident of Mahuari Bagicha, P.S.- Maner, District- Patna
 5. Rajesh Kumar Yadav @ Rakesh Kumar S/O Sanjay Ray Resident of Mahuari Bagicha, P.S.- Maner, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mantu Kumar S/O Srinath Paswan Resident of Mahuari Bagicha, P.S.- Maner, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Poonam Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP
For respondent No. 2	:	Mr. Sanjeet Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-07-2025

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 04.04.2025 passed in a case registered for the offence punishable under sections 115 (2), 351 (2), 352 and 3(5) of BNS and sections 3(i) (r)(s) (w) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , on 19.02.2025 at 07:00 AM , appellants called informant to drive their vehicle but informant refused to do so , upon which appellants abused informant by caste name and started assaulting him, when mother of the informant came to save him accused persons also abused her and snatched locket and gold ring from her.

4. It is submitted that appellants are innocent and have committed no offence as alleged. Allegation of assault is general and omnibus against these appellants. It is further submitted that Section 3 of the SC/ ST Act is not attracted against the appellants for the reason that the alleged allegation of abuse by caste name did not occur in a public place nor in presence of any member of the public . It is further submitted that the dispute between the parties has already been settled and a compromise petition has been filed before the learned Court below .

5 . Learned special Public Prosecutor for the State and learned counsel for the respondent No. 2 do not dispute the contention made on behalf of appellants.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of



eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of special Judge sc / st Patna Sadar Patna in connection with Maner Police Station Case No. 129 of 2025 .

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

