

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1689 of 2025

Arising Out of PS. Case No.-154 Year-2020 Thana- PARAIYA District- Gaya

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1. Md. Sultan @ Md. Sulatan @ Karoo Mian @ Karu Miyan Son of Manoj Miyan @ Manjoor Miyan @ Manjur Miyan Village- Solra, Ps- Paraiya, Dist- Gaya
 2. Md. Usman @ Tannu Mian Son of Manoj Miyan @ Manjoor Miyan @ Manjur Miyan Village- Solra, Ps- Paraiya, Dist- Gaya
 3. Md. Miraj @ Md. Meraj son of Md. Sultan @ Md. Sulatan @ Karoo Mian @ Karu Miyan Village- Solra, Ps- Paraiya, Dist- Gaya
 4. Md. Sajid @ Mohammd Sajil son of Md. sultan @ Md. Sulatan @ Karoo Mian @ karu Miyan Village- Solra, Ps- Paraiya, Dist- Gaya
 5. Md. Shakil Son of Md. Sultan @ Md. Sulatan @ Karoo Mian @ Karu Miyan Village- Solra, Ps- Paraiya, Dist- Gaya
 6. Md. Ejaz Son of Usman Miyan @ Tannu Mian Village- Solra, Ps- Paraiya, Dist- Gaya
 7. Md. Zahid son of Md. Usman @ Tannu Mian Village- Solra, Ps- Paraiya, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Uday Paswan son of Late Nathun Paswan Village- Solra, Ps- Paraiya, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arvind Kumar Singh, Advocate Mrs. Swati, Advocate
For the State/s	:	Mr. Sadanand Paswan, Spl. PP.
For the respondent no.2	:	None

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants, learned counsel for 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, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 21.03.2025 passed by the learned Excl. Spl. Judge, SC/ST, Gaya, in ABP No. 76 of 2025 arising out of Paraiya P.S. Case No. 154 of 2020 registered for the offences punishable under Sections 341, 323, 337, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

3. Earlier notice was issued to the respondent no. 2 and a vakalatnama on behalf of respondent no. 2 has been filed, but no one appears on behalf of the respondent no. 2.

4. The case of the prosecution, in brief, is that on 17.06.2020 at about 05:00 pm, the informant complained that his neighbour namely, Md. Sultan @ Karu Miyan threw a bone of an animal from his two storied house upon which the informant objected as the accused persons were in the habit of throwing such things. When the informant objected, the accused persons including the appellants continuously threw bricks, due to which the neighbours namely, Sumitra Devi and Rinku Devi sustained injuries. Sunita Devi sustained injuries on her legs and back. The accused persons also threatened and abused the informant’s side, which was seen by the neighbours.

5. Learned counsel for the appellants submits that



appellants are innocent and they have been falsely implicated in this case. It is further submitted that the FIR has been lodged under Sections 341, 323, 337, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act but after investigation Charge Sheet has been submitted under Sections 341, 342, 323, 337, 278, 308 and 504/34 of the Indian Penal Code and under Sections 3(1)(b)(r)(s) and 3(2)(va) of the SC/ST Act against appellants and others. It is next submitted that there is no specific allegation of abusing by any specific caste name against the appellants in this case. The occurrence took place near the house of the informant. Both the parties are neighbours. Lastly, it has been submitted that the appellants have no criminal antecedents.

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

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 Excl. Spl. Judge, SC/ST, Gaya in connection with Paraiya P.S. Case No.



154 of 2020, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The impugned order dated 21.03.2025 passed in ABP No. 76 of 2025 arising out of Paraiya P.S. Case No. 154 of 2020 by the learned Excl. Spl. Judge, SC/ST, Gaya is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

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