

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1637 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- MADHUBAN District- East Champaran

1. Alok Singh S/o Late Kameshwar Singh Resident of Village- Delho, P.S.- Madhuban, District- East Champaran
2. Vijay Kumar @ Vijay Singh S/o Late Gagandeo Singh Resident of Village- Delho, P.S.- Madhuban, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Mintu Paswan S/o Babulal Paswan Resident of Village- Delho, P.S.- Madhuban, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nachiketa Jha, Advocate
For the State : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 19-12-2025 Heard learned counsel for the appellants 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 20.03.2025 passed by the learned Court of Special Judge, SC/ST Act, East Champaran at Motihari in connection with Madhubani P.S. Case No.274 of 2024 registered under Sections 126(2), 115(2), 109, 303(2), 351(1), 352 and 3(5) of BNS, 2023 and Section 3(1) (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegations in the F.I.R is that accused persons surrounded the informant at around 9:30 p.m. in the night, hurling caste based abuses and also indulged in assault due to which he sustained injuries.



4. Learned counsel for the appellants submits that the present F.I.R has been lodged after 3 days of occurrence, inasmuch as occurrence is said to have taken place on 02.07.2024 and F.I.R came to be lodged on 05.07.2024, for which no plausible explanation has been tendered. It is further submitted that it would be apparent from the F.I.R itself that occurrence had taken place near the house of the informant in the dark night and hence, there is no public view involved, thus provisions of SC/ST Act would not get attracted. Appellant no. 1 is only alleged to be the order giver and no specific overt act has been alleged against him. So far as far appellant no.2 is concerned, there is general and omnibus allegation of snatching the chain from the informant. The specific allegation of assaulting by *dabia* is against co-accused Anuj Singh and not the appellants herein. The appellants have no criminal antecedent and undertake to co-operate in case/trial.

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

6. In view of the fact there is no allegation what-so-ever with regard to any caste based abuses, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act *prima*



facie is made out against the appellants.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the nature of allegation made in the F.I.R coupled with the fact that there is unexplained delay of three days in lodging of F.I.R, let the appellants, above named, having no criminal antecedent in the event of their 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 Special Judge, SC/ST Act, East Champaran at Motihari in connection with Madhubani P.S. Case No.274 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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