

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1688 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- MOHANPUR District- Gaya

1. Sonal Kumar @ Solal Kumar S/O Manoj Singh Resident of village and Panchayat- Gopalkeda, Gopalkera, P.S.- Mohanpur, District- Gaya
2. Santosh Kumar S/O late Shambhu Singh Resident of village and Panchayat- Gopalkeda, Gopalkera, P.S.- Mohanpur, District- Gaya
3. Nitish Kumar S/O late Shambhu Singh Resident of village and Panchayat- Gopalkeda, Gopalkera, P.S.- Mohanpur, District- Gaya
4. Dilkhush Kumar S/O Sunil Singh Resident of village and Panchayat- Gopalkeda, Gopalkera, P.S.- Mohanpur, District- Gaya
5. Shakti Kumar S/O Shambhu Singh Resident of village and Panchayat- Gopalkeda, Gopalkera, P.S.- Mohanpur, District- Gaya
6. Ankit Kumar S/O Sanjay Mistri Resident of village and Panchayat- Gopalkeda, Gopalkera, P.S.- Mohanpur, District- Gaya
7. Nitish Kumar S/O Surendra Singh Resident of village and Panchayat- Gopalkeda, Gopalkera, P.S.- Mohanpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Devanti Devi W/O Rajesh Manjhi Resident of village- Gopalkeda, Gopalkera, P.S.- Mohanpur, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yogesh Kumar, Advocate
For the State : Mr. Binay Krishna, Spl. PP.

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 03.03.2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Mohanpur P.S. Case No. 02 of 2025 registered for the offences punishable under Sections 126(2), 329(3), 329(4), 115(2), 125, 125(a), 117(2), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(va) of the SC/ST Act.

3. Earlier, notice was issued to the respondent no. 2 but no one appeared on behalf of the respondent no. 2 even after valid service of notice.

4. The case of the prosecution, in brief, is that on 01.01.2025, the informant namely, Avadhesh Kumar was returning with a sound box to play in birthday from Raghunathpur to his house by motorcycle. In the meantime at Kendua Mor, the accused namely, Sonal Kumar assaulted the son of the informant. At about 07:00 pm, all the accused came to the house of the informant in a group with lathi and danda and entered the house of the informant and started assaulting with lathi and abusing by caste indicative words. On opposing, the accused started pelting stone in which the son of the informant received head injury and the hand of the husband of the informant was fractured. The accused also attacked the



informant in the way to the hospital in a group.

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 there is no specific allegation against the appellants rather the allegations levelled against the appellants are general and omnibus in nature. Learned counsel further submitted that from perusal of FIR, it would appear that the occurrence did not take place in a public view and as such, no offence under Section SC/ST Act is made out against the appellants. It is next submitted that the informant and the appellants are resident of same village and due to some perty dispute, the appellants have been falsely implicated in this case. So far the allegation of assault against the informant's side is concerned, the injuries are simple in nature. Lastly, it is 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 Exclusive Special Judge, SC/ST, Gaya in connection with Mohanpur P.S. Case No. 02 of 2025, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The impugned order dated 03.03.2025 passed in Mohanpur P.S. Case No. 02 of 2025 by the learned Exclusive Special Judge, SC/ST, Gaya is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

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