

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1745 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- PUNAURA District- Sitamarhi

1. Ram Vinay Singh S/o Late Hardayal Singh R/o village - Ranjitpur Tola, P.S. - Punaura, Dist. - Sitamarhi
2. Gajendra Singh @ Gajendra Prasad Singh S/o Ramashish Singh R/o village - Ranjitpur Tola, P.S. - Punaura, Dist. - Sitamarhi
3. Gagan Singh @ Gagan Dev Singh S/o Late Hardayal Singh R/o village - Ranjitpur Tola, P.S. - Punaura, Dist. - Sitamarhi
4. Anil Kumar @ Anil Kumar Singh S/o Ram Sharan Singh R/o village - Ranjitpur Tola, P.S. - Punaura, Dist. - Sitamarhi
5. Kaushal Kumar S/o Karan Singh @ Jay Karan Singh R/o village - Ranjitpur Tola, P.S. - Punaura, Dist. - Sitamarhi
6. Shatrudhan Kumar @ Shatrudhan Kumar Singh S/o Ram Swaroop Singh R/o village - Ranjitpur Tola, P.S. - Punaura, Dist. - Sitamarhi
7. Jay Karan Singh S/o Ram Sharan Singh R/o village - Ranjitpur Tola, P.S. - Punaura, Dist. - Sitamarhi
8. Ram Swaroop Singh S/o Late Gulam Singh @ Late Ram Gulam Singh R/o village - Ranjitpur Tola, P.S. - Punaura, Dist. - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagarnath Kumar Paswan @ Jagannath Kumar Paswan S/o Late Ramdev Paswan R/o vill - Girmishani, P.S. - Punaura, Distt.- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Santosh Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, SPP
For OP. No.2	:	Mr.Pramod Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants, learned counsel representing Respondent/Opposite Party No.2 and learned Special P.P.

2. The instant memo of appeal has been filed for setting aside order dated 07.04.2025 passed in connection with Punaura PS Case No. 05/2025 for an offence under Section 192(2), 191(3), 190, 115(2), 117(2), 109, 303(2), 352, 351(2), 351(3) BNS and 3(1) (r), 3(1) (s), 3(2) (va) SC/ST Act, whereby



the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, while the informant, on 31.12.2024, was going to see his cultivated farm with one Hira Paswan in Ranjitpur Tola, all these accused persons surrounded the informant and started abusing him indicating his caste identity and on protest made by the informant, all the appellants caught and assaulted him brutally. Anil Kumar (appellant no.4) assaulted on his head, Jay Karan Singh (appellant no.7) and Kaushal Kumar (appellant no.5) assaulted him on his left leg by means of iron rod. It is further alleged that Gagan Singh (appellant no.3), Gajendra Singh (appellant no.2) and Jai Karan Singh (appellant no.7) snatched Rs. 5000/- along with a gold chain and golden ring.

4. Learned counsel for the appellants submits that the appellants are innocent and they have not committed any offence as alleged in the FIR. They have been named in the FIR due to village politics and biased intention and actually on the date of occurrence, there was a free fight between both the parties wherein the appellants were also brutally assaulted by the informant's side. It has next been submitted that there is nothing specific against these appellants and false prosecution



has been initiated against these appellants while injuries no.1 and 2 which are said to have been received by the informant, Jagarnath Kumar Paswan @ Jagannath Kumar Paswan are simple in nature while injury no.3 is said to have been sustained in the left leg is found to be grievous in nature.

5. On the other hand, learned counsel representing the informant submits that from the impugned order dated 07.04.2025 passed by 1st Additional Sessions Judge-cum-Spl. Judge (SC/ST (POA) Act), Sitamarhi in SC/ST A.B.P No. 07/2025, it would be evident that the rejection of anticipatory bail application of these appellant by the Special Court has rightly been made by taking into account the statements of the witnesses made in paragraphs 6, 7 and 8 of the case diary who have supported the prosecution story. The learned trial court has also referred paragraph-16 of the case diary wherein it has been stated that the informant sustained three injuries on his person in which injury no. 1 and 2 are simple while injury no.3 is grievous in nature. Learned trial court has further observed that from the FIR and the materials in the case diary, it would appear that offence under Section Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) is attracted against the appellants and as such the anticipatory bail application is not maintainable



in the light of provision of section 18 of the SC/ST (POA) Act.

6. In view of the dictum of Hon'ble Apex Court rendered in the case of ***Kiran vs. Rajkumar Jivraj Jain & Anr. (Special Leave Petition (Crl) No. 8169 of 2025)*** reported in ***2025 Livelaw (SC) 869*** wherein the Hon'ble Apex Court has held that anticipatory bail is permissible under SC/ST Act only if *prima facie* offence is not made out though such bar under Section 18 of the SC/ST Act which excludes the application of Section 438 CrPC, is not absolute. The Court while exercising the powers of anticipatory bail is required to verify the complaint's averments and determine if a *prima facie* case is established and the Court is not permitted to conduct a 'mini-trial' by evaluating evidences or other materials. The bar on anticipatory bail under Section 18 is intended to uphold the objectives of legislation in protecting the vulnerable SC/ST communities and ensuring social justice. The denial of anticipatory bail for these offences is not considered unreasonable or a violation of Article 14 of Constitution of India, as these offences are a distinct class and the bar which has been provided in not maintaining anticipatory bail has not been held to be violative of Article 21.

7. With respect to the incident occurring outside the



complainant's house, for which the act done within a public view has also been defined, wherein it has been held that the caste nexus has to be established and the humiliation which is sought to be made by the accused persons must indicate clear intention for committing such offences. While defining the 'public view' as provided under Section 3(1)(s) & (r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Hon'ble Apex Court in the aforesaid case has held that in an incident occurring in location like a lawn outside a house, which can be seen by someone from the road, would be considered a place within 'public view'.

8. Considering the submission of the parties and from plain reading of the FIR and the materials available in the case diary, it would be evident that there is general and omnibus allegation against appellants no.1, 3, 4, 6 and 8 while with regard to appellant nos. 2, 5 and 7, there is specific allegation of overt-act pursuant to which the injuries are said to have sustained by the informant. From the materials available on record, it is evident that appellants no. 1, 3, 4, 6, and 8 have made out a case for grant of anticipatory bail while against appellants no. 2, 5 and 7, there being specific allegation of overt act and the offence, which is said to have been committed, is



supported with the material available in the case diary, therefore, this Court is not inclined to grant the privilege of the anticipatory bail to appellants no. 2 (Gajendra Singh @ Gajendra Prasad Singh), 5 (Kaushal Kumar), and 7,(Jay Karan Singh) respectively. Accordingly, the prayer for anticipatory bail of the appellants, namely, Gajendra Singh @ Gajendra Prasad Singh, (Kaushal Kumar) and Jay Karan Singh stands rejected.

9. So far as appellant nos. 1, 3, 4, 6 and 8 are concerned, they, namely, 1. Ram Vinay Singh, 3. Gagan Singh @ Gagan Dev Singh, 4. Anil Kumar @ Anil Kumar Singh, 6. Shatrudhan Kumar @ Shatrudhan Kumar Singh, 8. Ram Swaroop Singh, in the event of arrest or surrender with a period of eight weeks from the date of receipt/production of a copy of this order, are directed to 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 1st Additional Sessions Judge-cum-Spl. Judge (SC/ST (POA) Act), Sitamarhi in connection with Punaura PS Case No. 05/2025.

10. Insofar as appellants no. 6, Shatrudhan Kumar @ Shatrudhan Kumar Singh and 8. Ram Swaroop Singh are concerned, they have got some antecedents as stated in



paragraph-3 of the present memo of appeal and the cases are not similar to the present case and they are on bail in those cases, as such, at the time of furnishing bail bond, the learned trial is court is directed to verify the criminal antecedents of appellant nos. 1, 3 and 4 only as it has been stated in paragraph-3 of the bail petition that these appellants have got no criminal antecedent and if the statement made in paragraph-3 is found to be contradictory, in that event, the privilege of anticipatory bail granted to them shall stand cancelled.

11. The instant memo of appeal stands allowed in part.

(Ajit Kumar, J)

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