

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1922 of 2025

Arising Out of PS. Case No.-729 Year-2024 Thana- NAUBATPUR District- Patna

Awadhesh Rai S/o Harendra Rai Resident of village - Gonwan, Police Station
- Naubatpur, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Baharan Mochi S/o Jalal Mochi R/o vill - Gonwan, P.S.- Naubatpur, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun, Adv.
For the State	:	Mr. Usha Kumari 1, Spl. PP
For Respondent no. 2	:	None

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant 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 22.04.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Sadar, Patna in A.B.P. No. 1275 of 2025 arising out of Naubatpur P.S. Case No. 729 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 352, 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 3(i)(r)(s), 3(2) (va) of SC/ST Act.



3. The case of the prosecution, in brief, is that on the alleged date of occurrence the informant's villager Awadhesh Rai (appellant) came to potato field and started abusing the informant by taking caste name and also assaulted him as a result of which informant's hand got fractured and he also threatened to kill him.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in this case. It is submitted that the F.I.R. has been lodged against the appellant under Section 126(2) and other allied sections, which are bailable and triable by the Magistrate except the offences under SC/ST Act. It is further submitted that there is no mention of injury report in the impugned order. The allegation against the appellant has not been supported by any cogent materials. Further, it is submitted that from perusal of the F.I.R., it seems that occurrence took place in the agricultural field, which is isolated place so, SC/ST Act would not be applicable in this case. Lastly, it is submitted the appellant has no criminal antecedent.

5. Earlier notices were issued upon respondent no. 2 on 14.07.2025, which has been validly served upon him, but none appears on behalf of the respondent no. 2.



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

7. Having considered the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Sadar, Patna in connection with Naubatpur P.S. Case No. 729 of 2024, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The impugned order dated 22.04.2025 passed in connection with Naubatpur P.S. Case No. 729 of 2024 by the learned Exclusive Special Judge, SC/ST Act, Sadar, Patna is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

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