

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1905 of 2025**

Arising Out of PS. Case No.-50 Year-2025 Thana- GAYA MUFASIL District- Gaya

1. Shambhu Dayal Prasad S/O Late Indradeo Kewat R/O Manpur, Mallah Toli, P.S- Manpur, Distt.- Gaya, Bihar.
2. Rekha Devi W/O Shambhu Dayal Prasad R/O Manpur, Mallah Toli, P.S- Manpur, Distt.- Gaya, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Devki Chaudhary S/O Late Balkishun Chaudhary R/O Village- Manpur, Mallahpur, P.S- Muffassil Gaya, Distt.- Gaya, State- Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Yadav, Adv.
For the State	:	Mr. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants 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 25.03.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 59 of 2025, arising out of Mufassil P.S. Case No. 50 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 329(3), 352 and 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Act.

3. The case of the prosecution, in brief, is that on the



alleged date of occurrence accused persons suddenly came to the house of the informant and started abusing by caste indicative words and assaulted the informant. The accused, namely, Shambhu Dayal Prasad tried to press the neck of the informant with intent to kill him.

4. Learned counsel for the appellants submits that the appellants are innocent and they have been falsely implicated in this case. It is submitted that appellant no. 1 is a public servant and appellant no. 2 is house wife. It is further submitted that from perusal of F.I.R., it seems that the entire incident took place at the house of the informant which is not committed in public view so, the offence under SC/ST Act as alleged in the F.I.R. is not applicable. It is submitted that there is case and counter case between the parties and the counter case has been lodged by appellant no. 2 against the informant and his family members bearing Mufassil (Gaya) P.S. Case No. 51 of 2025 dated 19.01.2025. Further, it is submitted that there is dispute between the parties with regard to opening of window in the passage between the house of the appellants and the informant. Lastly, it is submitted the appellants have no criminal antecedents.

5. Earlier notices were issued upon respondent no.



2 on 14.07.2025, which has been validly served upon him.

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 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 Act, Gaya in connection with Mufassil P.S. Case No. 50 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 25.03.2025 passed in Anticipatory Bail Petition No. 59 of 2025 by the learned Exclusive Special Judge, SC/ST Act, Gaya is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

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