

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1988 of 2025

Arising Out of PS. Case No.-186 Year-2023 Thana- BELAGANJ District- Gaya

Manjay Kumar S/O Madhusudan Yadav R/O Village- Dalelachak, English,
P.S- Belaganj, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Deepak Kumar Paswan ASI, Belaganj Police Station, P.S- Belaganj, Distt.-
Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 12-09-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. Further, learned Sp.P.P.

for the State made submission before the court on behalf of the

respondent no. 2 as respondent no. 2 is a police official.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for anticipatory bail
vide order dated 27.01.2025 passed by the learned Special
Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case
No. 186 of 2023 dated 26.03.2023 registered for the offence/s
punishable u/s 147, 149, 323, 341, 307, 353, 504, 385, 379 and
411 of the Indian Penal Code, 3(2) (va) of the SC/ST (POA)



Act, section 21 MM (D & R) Act and rule 56 of BM Rule, 2021.

3. As per the prosecution case, the appellant and the co-accused persons were loading the sand illegally in the tractor in the Falgu River. When the police party reached there, they fled away from there with the tractor and police seized JCB machine. Thereafter, the accused persons came there and got the seized JCB and one accused released. They also abused the informant by calling his caste name and pelting stones and made hindrance in discharging of official duty.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. Learned counsel has submitted that no one has sustained any injury. The co-accused has been granted anticipatory bail by this Court vide order dated 05.04.2024 passed in Cr. Appeal (SJ) No. 4396 of 2023. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.



6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 27.01.2025 passed by the learned Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 186 of 2023, is set aside against the appellant. The criminal appeal is allowed.

6. Accordingly, the above named appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 186 of 2023, subject to conditions as laid down under section 482(2) of the B.N.S.S., with further condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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