

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2094 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- MAKER District- Saran

Shrawan Kumar Singh @ Shrawan Singh @ Shrawan Kumar @Sarwan Kumar Singh S/O Bashishth Singh @ Langar Singh R/O Village- Phulwaria (Bhatha),PO-Sonho, P.S- Parsa(wrongly mentioned in PS Maker in FIR), Distt-Saran at Chapra-841460

... .. Appellant/s

Versus

1. The State of Bihar
2. Dashrath Manjhi S/O Late Lakhan Manjhi R/O Village-Fulwariya,PS-Maker, Distt-Saran at Chapra-841460

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jeetendra Narayan, Advocate
For the State	:	Mrs. Usha Kumari 1, APP
For the Respondent No.2:	:	Mr. Bijay Bhushan Prasad, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-11-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the respondent no.2.

2. This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 06.05.2025 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Saran in connection with Maker P.S. Case No. 298 of 2024 registered under Sections 126(2), 115(2), 118(1), 109, 121(1), 121(2), 132, 352, 351(2)



r/w 3(5) of the B.N.S., 2023 and Section 3(1)(r)(s) of the SC/ST Act.

3. The case of the prosecution is that the informant was surrounded by five persons including the present appellant and they hurled caste based abuses at him and one Raushan Singh even attempted to kill him causing injury to him.

4. Learned counsel appearing for the appellant submits at the outset that it would be evident from the first information report itself that the F.I.R. does not disclose any public view of the occurrence of hurling of abuses and hence provisions of SC/ST Act would not apply. Further, it has also been submitted that the specific allegation of assault is upon one Raushan Singh and not upon the present appellant. It has been further submitted that the first information report was lodged on the following day of the occurrence after due thought and deliberation and the offence under Section 109 of the B.N.S. is not made out in the view of the allegations and also in view of the injury suffered by the informant as the prescription itself has been annexed along with first information report no showing any serious injury.

5. Learned Spl. PP for the State and the learned counsel for the respondent no.2 have vehemently opposed the



grant of anticipatory bail on the basis of allegations made in the first information report.

6. Considering the fact that the occurrence has taken place inside the house which cannot be said to be in public view, as such provisions of SC/ST Act *prima facie* do not seem to be attracted.

7. Taking into account the facts and circumstances of the case and also considering that there is no specific allegation against the appellant and no serious injury has been caused to the informant, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Saran in connection with Maker P.S. Case No. 298 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Soni Shrivastava, J)

anand/-

U		T	
---	--	---	--

