

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2159 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- SC/ST District- Lakhisarai

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1. Nitish Kumar S/O Bhagwan mahto R/O Vill.- Pratappur, P.s.- Halsi, District- Lakhisarai
 2. Ankit Kumar S/O Pairu Yadav R/O Vill.- Pratappur, P.s.- Halsi, District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudama Kumar S/O Ramjatan Paswan R/O Vill.- Pratappur, P.s.- Halsi, District- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mayank Bilochan, Adv.
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Resp. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

3 14-11-2025 Despite service of notice upon the informant / respondent no.2, no one has put in appearance on his behalf, therefore Court proceeds to decide this case on its merit.

2. Heard learned counsel for the appellants and learned Special Public Prosecutor representing the State.

3. This Criminal appeal under Section 14-A(2) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 has been preferred by the appellants against the order dated 24.04.2025 passed by learned District & Additional Sessions Judge-1 -cum- Special Judge, S.C./S.T. Act, Lakhisarai in ABP No. 211 of 2025, in connection with



Lakhisarai SC/ST P.S. case no. 35 of 2024, registered for the offences punishable under Sections 126(2), 115, 303(2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

4. The brief facts of the case, which are required to be stated are that the Informant Sudama Kumar got an F.I.R. lodged on 28.12.2024 against the appellant no.1 Nitish Kumar, appellant no.2 Ankit Kumar and one another Ranjit Kumar, making an allegation *inter alia* that on 21.12.2024, the appellant no.1 Nitish Kumar made a Whatsapp call to him and asked him to meet but, he declined. On the same day, when he was returning home from Kiul Railway Station then at Pratappur Chowk at about 6 PM, the appellants Nitish Kumar, Ankit Kumar and co-accused Ranjit Kumar surrounded and started abusing by uttering his caste name by taking him to a remote place. When he protested for the same, all the three accused assaulted him. It is also alleged that appellant no.1 Nitish Kumar snatched his gold locket worth Rs. 35,000/-.

5. It is argued by learned counsel for the appellants that appellants have been falsely implicated in this case and no such



incident has taken place as alleged by the Informant. The F.I.R. has been lodged after delay of seven days and there is no plausible explanation for such delay in lodging the F.I.R. Referring to the contents of the F.I.R., it has also been pointed out that as per the prosecution case itself, the alleged incident took place in a remote place, therefore, the allegation of the Informant that the accused persons started abusing him by uttering his caste name was not in uniformity. Hence, no *prima facie* case is made out under the SC/ST Act as alleged by the prosecution. The impugned order passed by learned Court below rejecting the anticipatory bail application of the appellants is not sustainable. Appellants have no criminal history to his credit. Pursuant to F.I.R. of this case, the appellants have apprehension of imminent arrest. Lastly, it is submitted that in case the appellants are granted anticipatory bail, they would not misuse the liberty.

6. Learned Special Public Prosecutor representing the State opposed the prayer for granting anticipatory bail to the appellants in the light of the allegations made in the F.I.R. He also submit that as on date there is no material on record to presume the false implication of the appellants. Considering the prosecution case, cognizable offence is made out against the



appellants.

7. So far as provisions of Section 18 of The scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 relating to maintainability of this appeal is concerned, it is relevant to mention that in the light of judgment of the Hon'ble Supreme Court in the case of ***Prathvi Raj Chauhan Versus Union of India and Others (2020) 4 SCC 727***, aforesaid Section 18 of SC/ST Act does not create absolute bar and if *prima facie* offence under The scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is not made out, the anticipatory bail can be granted to the accused, hence this appeal under Section under Section 14-A(2) of The scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is held to be maintainable.

8. Having heard the learned counsel for the parties, I found that the maximum sentence for the alleged occurrence is less than seven years. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of anticipatory bail to the appellants.

9. Looking to the overall facts and circumstances of the case, submissions of learned counsel for the parties as noted above, reasonable apprehension of arrest of the appellants,



taking into consideration the gravity of offence, nature of accusation and there being no possibility of their fleeing away from justice, this Court is of the view that in the light of guidelines laid down by the Hon'ble Apex Court in the case of ***Sushila Aggarwal vs State (NCT of Delhi), (2020) 5 SCC 1***, prima facie the appellants have made out a case for grant of anticipatory bail, hence the impugned order is liable to be set-aside and the appeal is liable to be allowed.

10. In view of the above, the impugned order dated 24.04.2025 passed by learned District & Additional Sessions Judge-1 -cum- Special Judge SC/ST Act, Lakhisarai rejecting the anticipatory bail application of the appellants is hereby set-aside.

11. Accordingly, it is directed that in the event of arrest or surrender of the appellants above-named within three weeks from today in the aforesaid case, they shall be released on anticipatory bail on his furnishing bail bonds of Rs. 10,000/- each with two sureties each in the like amount to the satisfaction of the concerned Court below in connection with the aforesaid case, subject to condition conditions laid down under Section 438(2) of the Code of Criminal Procedure / 482 (2) of the BNSS.



12. With the aforesaid observations and directions, this
Criminal appeal stands allowed.

(Sanjay Kumar Singh , J)

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