

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2166 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- TANDWA District- Aurangabad

Krish Kumar Sinha @ Krish Kumar S/O Ashok Sinha R/O Village- Ujjaini,
P.S- Tandwa, Distt.- Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Asresh Chaudhary S/O Bhuletan Chaudhary R/O Village- Ramnagar, P.S- Tandwa, Distt.- Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aman Vishal, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.PP
For the Respondent no.2:	:	Mr. Santosh Kumar Pandey, 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 07.05.2025 passed by learned District and Additional Sessions Judge-1st-cum-Special Judge, (SC/ST NDPS & Children Act), Aurangabad in connection with Tandawa P.S. Case No. 46 of 2025 registered under Sections 126(2), 115(2), 303(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act.

3. The case of the prosecution is that the informant's



son was surrounded by the accused persons including the present appellant and it is stated that they all indulged in hurling caste based abuses and assaulting. It is further alleged that the appellant had taken away Rs.900/-.

4. Learned counsel for the appellant submits at the outset that in the entire first information report there is no allegation whatsoever, of any caste based abuse and hence, no offence under SC/ST Act would be made out. It has further been submitted that there is case and counter case and the case filed on behalf of the appellant has been annexed as Annexure-2, which is also under Section 109(1) of B.N.S. Further, the present F.I.R. has been lodged after a delay of three days inasmuch as, while the occurrence took place on 14.04.2025, the F.I.R. was lodged on 17.04.2025 with totally ornamental allegation of theft against the appellant, who is a young boy aged about 18 years. Although there is no injury report on record, the informant does not seem to have suffered any serious injury as no discussion with regard to the same has been made in the order of learned Court concerned while rejected the anticipatory bail.

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 the factum of delay in the F.I.R. coupled with existence of case and counter case and ornamental allegation of theft against the appellant, 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 District and Additional Sessions Judge-1st-cum-Special Judge, (SC/ST NDPS & Children Act), Aurangabad in connection with Tandawa P.S. Case No. 46 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the B.N.S.S. Act.

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

(Soni Shrivastava, J)

anand/-

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