

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2212 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- KADIRGANJ District- Patna

Subodh Yadav @ Subodh Kumar S/o Baleshwar Yadav @ Bindeshwar Prasad
Resident of Village- Pokharpar P.S- Kadirganj, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Nandan Paswan S/o Late Jeet Narayan Paswan Resident of Village-
Tarwa, P.S- Kadirganj, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dharendra Kumar Sinha, Advocate
For the State	:	Mrs. Usha Kumari I, Special P.P.
For the Informant	:	Mr. Kumar Malendu, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-11-2025 Heard learned counsel for the appellant, learned Special

P.P. for the State and learned counsel appearing on behalf of the

informant.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
23.04.2025, passed by the learned Court of Exclusive Special
Judge, SC/ST Act, Civil Court (Sadar) Patna in connection with
Kadirganj P.S. Case No.19 of 2025, F.I.R. dated 09.02.2025
registered under Sections 191(2), 115(2), 303(2), 109(1), 351(2)
and 352 of B.N.S., 2023, Section 27 of the Arms Act as well as
Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and
Scheduled Tribes Act.

3. The allegations in the first information report is that



on the event of immersion of idol of Goddess Saraswati, the accused persons abused the informant by taking caste name and also fired by means of pistol and thereafter 15-20 miscreants arrived and indulged in assaulting the informant causing injury.

4. Learned counsel for the appellants submits, at the outset, that the incident, as alleged, has taken place on the event of immersion of idol in Saraswati Puja, hence, there is no question of any act having been done with the purpose of causing humiliation to the members of a particular community, thus, the provisions of SC/ST Act do not get attracted. It is further submitted that the first information report has been lodged with a *mala fide* intention after a delay of three days and so far as the allegation against the appellant is concerned, the same is confined to the fact that he has given a *lathi* blow to one Sameer Paswan on his hand which has produced simple injury. It is also submitted that from perusal of the first information report itself, it appears that the informant side had also indulged in abusing the accused persons and it was they who were the real aggressors.

5. Learned Special P.P. counsel for respondent no.2 vehemently oppose the grant of anticipatory bail on the basis of allegations made in the first information report as also the materials collected during the course of investigation.

6. It prima facie appears that the occurrence has not



taken place in public view and hence the provisions of the SC/ST Act would not get attracted.

7. Taking into consideration the facts and circumstances and also considering that the first information report has been lodged on the issue of a conflict upon the idol immersion on Saraswati Puja coupled with the fact that there is delay of three days in lodging the first information report, let appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Act, Civil Court (Sadar) Patna in connection with Kadirganj P.S. Case No.19 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Soni Shrivastava, J)

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