

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2214 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- BABUBARHI District- Madhubani

Gurudeo Thakur @ Gurudayal Thakur S/O Lakshman Thakur @ Lakhman Thakur Resident of village -Murhadi ,P.S -Babubarhi ,District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Paswan S/o Hansraj Paswan Resident of Village- Murhadi, P.S- Baburahi, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subhash Kumar Jha, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Shailendra Kumar Jha, 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 as well as 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 18.03.2025, passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC & ST), Madhubani in connection with Babubarhi P.S. Case No.46 of 2025, F.I.R. dated 16.02.2025 registered under Sections 329(3), 126(2), 115(2), 352 and 351(2) of B.N.S., 2023 as well as Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegations in the first information report is that



on 05.02.2025, the appellant and co-accused had demanded money for alcohol from the informant and on refusal of the same, certain caste remarks were made and assault was also indulged into.

4. Learned counsel for the appellant submits, at the outset, that there is inordinate delay in lodging of the first information report inasmuch as while the occurrence took place on 5.02.2025, the first information report was lodged on 16.02.2025 with false and concocted allegations. As a matter of fact, there was some dispute and enmity between the parties on account of which the present case came to be lodged and there is also a counter version to the same in the form of a complaint case filed on behalf of the co-accused. It has also been submitted that the most of the allegations levelled in the present case are all bailable in nature but for the provisions of the SC/ST Act, which are ornamental in nature and would not be made out in the background of a different nature of dispute and case and counter case.

5. Learned Special P.P. and 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 the inordinate delay in lodging the FIR coupled with the fact that there is case and counter case and no injury has been caused in the entire transaction, 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 Additional Sessions Judge, 1st-cum-Special Judge (S.C. & S.T.), Madhubani in connection with Babubarhi P.S. Case No.46 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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