

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2354 of 2025

Arising Out of PS. Case No.-257 Year-2025 Thana- SASARAM NAGAR District- Rohtas

Alok Mehta @ Alok Kumar @ Alok Mahto S/o- Rajesh Singh Moh- W.No-
11, Takiya Ps- Sasaram Town Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan S/o- Kamala Paswan Village- Parwadiah Ps- Karaghar Dist-
Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhaneshwar Prasad Gupta, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-11-2025 Heard learned counsel for the appellant and learned
Special P.P. for the State. None appears on behalf of respondent
no.2 although notices have been validly served.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
20.05.2025, passed by the learned Additional District and
Sessions Judge-17-cum-Special Court, SC/ST (POA) Act,
Sasaram, Rohtas in connection with Sasaram Town P.S. Case
No.257 of 2025, F.I.R. dated 30.03.2025 registered under
Sections 126(2), 118(1), 303(2), 352 and 351(2) of B.N.S., 2023
as well as Sections 3(i)(r), 3(I)(s) and 3(1)(w) of the Scheduled
Castes, and Scheduled Tribes Act.



3. The allegations in the first information report is that the appellant intercepted the informant while he was going in a tempo and assaulted and abused him.

4. Learned counsel for the appellant submits, at the outset, that the allegation of hurling abuses in the first information report is totally general and omnibus and no caste based abuses have been alleged, hence, provisions of SC/ST Act would not get attracted. It is further submitted that the appellant is an agent of the tempo and on account of some dispute with regard to parking of the tempo, the present case with false allegations has been instituted. It would further appear from the bail rejection order itself that some injury has been caused, which is on account of hard and blunt substance however, the nature of injury has not been indicated.

5. Learned Special P.P. vehemently opposes 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 fact that general allegation of abuse has been alleged and no serious injury has been caused in the entire transaction, let appellant, above named, in the event of his arrest or 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 District and Sessions Judge-17-cum-Special Court, SC/ST Act, Sasaram, Rohtas in connection with Sasaram Town P.S. Case No.257 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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