

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2357 of 2025

Arising Out of PS. Case No.-725 Year-2024 Thana- GARKHA District- Saran

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1. Ramesh Singh @ Ramesh Kumar Singh S/o- Sheo Shankar Singh @ Sheo Shankar Mahto Village- Mahamda P.S-Garkha District- Saran At Chapra
 2. Vipul Kumar S/o- Ramesh Singh @ Ramesh Kumar Singh Village- Mahamda P.S-Garkha District- Saran At Chapra
 3. Teja Ray @ Tijlal Ray S/o- Shivpujan Ray Village- Mahamda P.S-Garkha District- Saran At Chapra
 4. Madan Ray S/o- Bhagwat Ray Village- Mahamda P.S-Garkha District- Saran At Chapra
 5. Sonu Kumar @ Samant Kumar S/o- Anil Kumar Singh Village- Mahamda P.S-Garkha District- Saran At Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Raja Ram S/o- Late Suraj Ram R/o- Nabiganj Ps- Bhagwan Bazar Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar, 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 appellants 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 06.06.2025, passed by the learned Exclusive Special Judge, SC/ST, Saran at Chapra in connection with Garkha P.S. Case No.725 of 2024, F.I.R. dated 24.11.2024, registered under



Sections 126(2), 115(2), 308(2), 352, 351(2), 351(3) and 3(5) 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 while the informant was working in his field, all the accused persons resorted to hurling abuses with casteist remarks and also assaulted him.

4. Learned counsel for the appellants submits that the first information report discloses general and omnibus allegations and since the allegation of caste based abuses is not said to be made in presence of other person, the same would not fall in the category of public view and hence, the provisions of SC/ST Act would not be made out. It is further submitted that there is case and counter case between the parties and the case filed on behalf of appellant no.5 has been brought on record by way of Annexure-2 wherein it is indicated that the informant had threatened to file a false case under the SC/ST Act. It has also been submitted that there is title suit pending between the parties bearing Title Suit No.128 of 2025 and the injury sustained by the informant is simple in nature.

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 there are general and omnibus allegations on all the accused persons in the backdrop of admitted land dispute and title suit coupled with the fact that no serious injury has been sustained by anyone, let appellants, above named, in the event of their 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 each of them 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, Saran at Chapra in connection with Garkha P.S. Case No.725 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S with further conditions (i) That the appellants would fully cooperate in the process of investigation and, in case, it is found that the appellants are not cooperating in the investigation, the prosecution would be at liberty to file an



application for cancellation of bail and, (ii) Bailors shall be close relatives/family members.

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

(Soni Shrivastava, J)

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