

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2412 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- MOHANPUR District- Gaya

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1. Sonu Kumar Dubey @ Sonu Dubey S/o Santosh Dubey @ Santosh Kumar Dubey R/o Vill- Shahpur, PS- Mohanpur, Dist- Gaya
 2. Santosh Kumar Dubey @ Santosh Dubey S/o Kamlesh Dubey R/o Vill- Shahpur, PS- Mohanpur, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kailash Paswan S/o Late Moti Paswan R/o vill - Siriyawa, P.S.- Mohanpur, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priya Ranjan, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 24-12-2025 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Mr. Sadanand Paswan.
2. No one appears on behalf of the informant.
3. The case was taken up earlier on 10.12.2025, on the said date also no one had appeared on behalf of the informant, as such, the case was directed to be listed on 11.12.2025, but then the case was listed today.
4. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide



order dated 24.05.2025 in A.B.P. No. 126 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Mohanpur P.S. Case No. 131 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 303(2), 316(2), 352, 351(2) and 3(5) of the BNS, 2023 and Sections 3(1)(r), 3(1)(s) of the SC/ST Act, 2014 and Sections 3(2)(va) of the SC/ST Act, 1989.

5. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that he is employed in Data Self Help Group, further alleges that appellant no. 1 took loan of Rs. 5 Lakhs on 04.08.2024 and appellant no. 2 took loan of Rs. 4 Lakhs on 14.08.2024 and promised to return the amount within six months, next alleges that on 11.04.2025 at about 02:00 PM, the informant went to demand the lent amount back from the accused, but the accused persons started assaulting and abusing the informant by taking caste name, on alarm son of the appellant no. 1 came and started abusing by taking caste name and threatened of dire consequences and snatched Rs. 20,000/- from pocket of the informant.

6. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the



informant. It is further submitted that the date of occurrence is 11.04.2025 and the FIR came to be instituted on 13.04.2025 i.e. after a delay of two days without any plausible explanation. It is also submitted that as far as allegation of assault and abuse is alleged, the same is general and omnibus in nature. It is next submitted that *prima facie* from perusal of the allegations as alleged in the FIR, it appears that informant, being aggrieved by the fact that the loan amount was not returned in time, has instituted the instant case with a view to coerce the appellants into submission. It is also submitted that this perhaps explains why no one is appearing on behalf of the informant.

7. Learned Spl. P.P. for the State opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 24.05.2025 in A.B.P. No. 126 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Mohanpur P.S. Case No. 131 of 2025, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the



like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mohanpur P.S. Case No. 131 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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