

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3088 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- AWTARNAGAR District- Saran

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1. Gulshan Kumar @ Gulshan Singh, Son of Dhuri Singh;
 2. Amit Kumar, Son of Sanjay Chaudhary;
 3. Munna Singh @ Amit Singh, Son of Sant Rajendra Singh;
- All are R/o Village- Ram Gardha, P.S.- Awtar Nagar, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Jai Kishore, Son of Jai Narain Das, R/o Village- Sarari, Ram Gardha, Ward No. 01, P.S.- Avtar Nagar, Distt.- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Radha Mohan Singh, Adv.
For the State : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-11-2025 Heard the learned counsel for the appellants and the learned Spl. Public Prosecutor for the State.

2. Despite service of notice upon respondent No. 2, there is none to represent him.

3. This is an appeal under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of the prayer for



anticipatory bail *vide* order dated 18.06.2024 passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra in connection with Avtar Nagar P.S. Case No. 114 of 2024, dated 12.05.2024, registered for the offences punishable under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Sections 3(1) and 3(1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. As per the prosecution case, the named accused persons including the appellants came on the field and started assaulting the son of the informant/respondent No. 2 with bat, wickets and *lathi* etc. It is further alleged that they also abused him by taking his caste name.

5. The learned counsel for the appellants has submitted that they have falsely been implicated in this case and no such incident as alleged has occurred. It has been submitted that in support of the allegations with regard to assault on the son of the informant/respondent No. 2, no injury report has been brought on record till date. It has further been submitted that there is general and omnibus allegation against all the accused persons of either abuse or assault and no specific overt act has been attributed against the appellants. It has been submitted that no case under the SC/ST (POA) Act is being made out against



the appellants from the plain reading of the FIR. It has lastly been submitted that the appellants carry clean antecedents.

6. The learned Spl. Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 18.06.2024 passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra, in connection with Avtar Nagar P.S. Case No. 114 of 2024, is set aside.

8. Accordingly, the above-named appellants are directed to be released on anticipatory bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on their furnishing bail-bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Avtar Nagar P.S. Case No. 114 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of the B.N.S.S. as well as subject to the following conditions:

(i) The appellants are directed to remain physically present before the learned Court below on each and every



date, failing which on two consecutive dates, without reasonable cause, the bail-bonds of the appellants are liable to be cancelled.

(ii) The appellants shall not, in any manner, threaten, contact or attempt to influence the informant or any witness connected with the case.

9. The appeal stands allowed.

10. It is made clear that the observations, if any, made in this order shall be of no bearing during the trial.

(Sourendra Pandey, J)

Praveen-II/-

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