

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2559 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- SC/ST District- Gaya

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Sandeep Kumar S/O Nanku Mistri @ Nanhak Mistri R/O Village- Sheoganj,
P.S- Dhangayee, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjula Devi W/O Chandra Dev Paswan R/O Village- Sheoganj, Goshain
Pesra, P.S- Dhangayee, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant : Mr. Murad Ashraf, Advocate
For the State : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 21-11-2025 Heard learned counsel for the appellant, learned

counsel for the respondent no.2 and learned Special Public

Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail

vide order dated 04.04.2025 passed by learned Exclusive

Special Judge (SC/ST Act), Gaya in connection with Gaya

SC/ST P.S. Case No. 05 of 2025 registered under Sections

126(2), 115(2), 74, 303(2), 351(2) and 352 of the B.N.S. and

Section 3(1) (r) (s), 3(1)(w) and 3 (2) (va) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellant is of assaulting, snatching mobile and abusing the victim by taking her caste name and also threatening her to make illicit physical relation.

4. It is submitted by learned counsel for the appellant that there is delay of seven days in lodging the F.I.R. and no explanation has been tendered for the said delay. It is further submitted that even upon perusal of the F.I.R., it appears that the allegations are general and omnibus in nature and so far as the allegation of making caste based remarks is concerned, there is no independent witness to the same and it cannot be said to be in public view, as such the provisions of the SC/ST Act shall not apply. It is further submitted that there is vague allegation of asking the informant to establish illicit relation and also that of blackmailing.

5. Learned Special PP for the State and learned counsel for the respondent no.2 opposed the prayer for bail.

6. It *prima facie* appears that the occurrence has not taken place in public view and hence the provisions of SC/ST Act would not get attracted.

7. Taking into consideration the facts and



circumstances of the case and considering the fact that there is inordinate delay of seven days in lodging the F.I.R. coupled with the fact that there is vagueness of allegations, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Gaya SC/ST P.S. Case No.05 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482(2) of the B.N.S.S.

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

(Soni Shrivastava, J)

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