

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2586 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- NAUGACHIA SC/ST District- Bhagalpur

Himanshu Kumar Bhagat @ Himanshu Bhagat S/O Hemant Kumar Bhagat @
Hemant Bhagat Resident of village- Ghagdhara, Bhagat Road, P.S.- Naugachia,
District- Bhagalpur. Appellant.

Versus

1. The State of Bihar
2. Shiv Shankar Rishidev S/O Late Bindeshwari Rishidev R/O Vill.- Mushari
Patti Ward no. 26, P.S.- Naugachia, Dist.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2:	:	Mr. Vikram Singh, Advocate

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 17.06.2025 passed by learned District and
Additional Sessions Judge-III-cum-Special Judge (SC/ST Act),
Bhagalpur in connection with Naugachia SC/ST P.S. Case No.
15 of 2025 registered under Sections 126(2), 352,351(2), 325,
3(5) and 109 of the B.N.S. and Section 3(1) (r) (s)/ 3 (2) (va) (v)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



3. The case of the prosecution, as disclosed in the F.I.R., in brief, is that while the informant was regressing to his home and when he reached near the Hanuman Mandir, all the accused persons including the appellant started hurling abuses in his caste name and took out a pistol with intent to kill him and resorted to firing, one of which hit a goat.

4. It is submitted by learned counsel for the appellant that it would be apparent from the first information report itself that there was a dispute between the parties and the occurrence had taken place at around 12 in the night, there is no independent witness to the said occurrence, as such there is no question of public view, hence the provisions of SC/ST Act shall not apply. It is further submitted that the present case which has been lodged after delay of 13 hours, is a result of personal vengeance as the appellant is a Ward Councilor of Ward No.25 and he forbade the informant not to sell the illegal liquor in the locality. It is also a fact that although there is allegation of opening fire, however no injury has been caused to any person, rather one goat is said to have received gun shot injury.

5. Learned Special PP for the State and learned counsel for the respondent no.2 vehemently opposed the prayer for bail on the ground of allegations made in the F.I.R.



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 also considering the fact that there is dispute between the parties coupled with the fact that no injury has been caused to any human being, 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 District and Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Naugachia SC/ST P.S. Case No. 15 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S., subject to further condition that :

(I) That the appellant would fully cooperate in the process of investigation/trial and in case it is found that the appellant is not cooperating in the investigation/trial, the prosecution would be at liberty to file an application for cancellation of bail.

(II) That one of the bailors shall be close



relative/family members of the appellant.

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

(Soni Shrivastava, J)

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