

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2707 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- Sarbahada District- Gaya

Paras Prasad @ Anand Mohan @ Paras Kumar S/o Rambali Prasad R/o
Village - Naili, P.S.- Sarbahda, District -Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Awadesh Ravidas S/o Rambali Das R/o Village - Naili, P.S.- Sarbahda,
District -Gaya

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Durgesh Nandan, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2	:	Mr. Rahul Ranjan, 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 19.06.2025 passed by learned Exclusive
Special Judge (SC/ST Act), Gaya in connection with Sarbahda
P.S. Case No. 30 of 2025 registered under Sections 126(2),
115(2), 109, 303 92), 352, 351(2) and 3(5) of the B.N.S. and
Section 3(1) (r) (s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

3. The allegation in the first information report is that a scuffle took place between the parties on the event of Mahashivratri at about 3 am when the informant went upon the stage to give money to the performing artist.

4. It is submitted by learned counsel for the appellant that the allegations in the first information report would itself reveal that the occurrence had taken place at about 3 am and hurling of abuses took place when the informant indulged in objectionable behaviour, which would not be in public view, rather the same has been ornamentally added in order to increase the gravity of the offence. The appellant has been attributed specific act of assaulting by means of sticks and legs and no offence under Section 109 of the B.N.S. would be made out. As a matter of fact, the informant himself was in inebriated condition and the F.I.R. was lodged after delay of four days after due thought and deliberations.

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 not for causing any humiliation to any community, 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 the allegations relate to some dispute between the parties on account of some entertainment programme happening in the night of Mahashivratri, coupled with the fact that there is delay of four days in lodging the F.I.R., 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 Sarbahda P.S. Case No.30 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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