

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2713 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- RAJPUR District- Buxar

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1. Ashok Rajbhar, S/o- Mithu Lal @ Mithu Rajbhar, Village- Seari Sauri, Ps- Rajpur, Dist- Buxar
 2. Subash Rajbhar, S/o- Mithu Lal @ Mithu Rajbhar, Village- Seari Sauri, Ps- Rajpur, Dist- Buxar
 3. Mithu Lal @ Mithu Rajbhar, S/o- Late Vakil Rajbhar, Village- Seari Sauri, Ps- Rajpur, Dist- Buxar
 4. Harishankar Rajbhar, S/o- Late Bikau Rajbhar, Village- Seari Sauri, Ps- Rajpur, Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Irfan Nat, S/o- Mangal Nat, Village- Sauri, Ps- Rajpur, Dist- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Gupta, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-11-2025 Heard learned Advocate for the appellant and the learned Spl. PP for the State.

2. Invoking the jurisdiction of this Court 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”) the appellant seeks quashing of the order dated 13.06.2025 passed in A.B.P. No. 657 of 2025 arising out of Rajpur P.S. Case No. 163 of 2025 for offence under Sections 126(2), 115(2), 109, 49, 352, 351(2), 351(3) and 3(5) of B.N.S. and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA)



Act, whereby and whereunder the application for grant of bail was rejected.

3. Allegedly while the informant went to bring water from a public tap, in the meanwhile, co-accused Sanjay Rajbhar forbade him to take water by using abusive language. On protest being made, it is specifically alleged that the petitioners alongwith others came there and assaulted the informant. It is further alleged that co-accused Vinod Rajbhar alongwith Sanjay Rajbhar and Mithu Rajbhar abused and assaulted over the head of the informant.

4. Learned Advocate for the appellant submitted that there is counter version of the present case being Rajpur P.S. Case No. 165 of 2025 instituted against the prosecution party. In the said case also, the persons of the appellant's side also sustained injury. So far the appellants are concerned, there is only omnibus nature of allegation, moreover, the specific allegation of using abusive language by taking the caste name of the respondent no. 2 has been levelled against co-accused Sanjay Rajbhar and Vinod Rajbhar, who are not before this Court. The allegation even if taken to be true, for the sake of argument, no offence much less under the penal provisions of the SC/ST (POA) Act is made out. The appellants are men of



fair antecedent and furthermore, the injury which is allegedly sustained to the informant is concerned, the same has been found to be simple in nature.

5. On the other hand learned Spl. PP for the State vehemently opposed the prayer of the appellant and submitted that there is specific allegation against these petitioners that they have abused the informant by taking his caste name.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, besides case and counter case between the parties and the appellants having absolutely fair antecedent; as also the substance in the submission of learned Advocate for the appellant that *prima facie* no offence is made out under the SC/ST (POA) Act, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount **each** to the satisfaction of Additional Sessions Judge 1st – cum – Special Judge, SC/ST (POA) Act, Buxar, in connection with A.B.P. No. 657 of 2025 arising out of Rajpur P.S. Case No. 163 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further



condition that one of the bailors shall be the own/close family members of the appellant.

7. The impugned order dated 13.06.2025 passed in A.B.P. No. 657 of 2025 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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