

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3438 of 2024**

Arising Out of PS. Case No.-45 Year-2023 Thana- SC/ST District- Begusarai

Milan Kumari @ Milan Devi Wife of Pramod Kumar Resident of Shekhatola,  
Post - Ekamba, P.S.- Khodawandpur, District - Begusarai.

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Mahesh Paswan Son of Late Shyamnand Paswan Resident of Village - Dihi,  
Post - Ekamba, P.S.- Khodawandpur, District - Begusarai.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Aditi Sharma, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      12-11-2025                      Heard learned counsel for the parties. Despite  
valid service of notice , nobody appears on behalf of respondent  
No. 2.

2. This appeal has been filed for setting aside order dated 17.05.2024 passed in a case registered for the offence punishable under sections 341 , 323 , 324, 504, 506 and 34 of the I.P.C, and Section 3 (I) ( r ), 3 (1) ( s ), 3 ( 2 ) (va) of S.C/S.T. Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely, Mahesh Paswan alleged that on 03.07.2023 , when he was returning with his companion , all the F.I.R. named accused



persons armed with weapons intercepted him and began abusing him by caste name . It was further alleged that co-accused Ashok Sahni assaulted him with *katta*, and co-accused Pramod Sahni also assaulted him with *danda* and abused him by caste name .

4. It is submitted on behalf of appellant that appellant is not named in the F.I.R. The name of appellant transpired during course of investigation . F.I.R. has been lodged after delay of 31 days and for the same occurrence two F.I.R. and one complaint petition has been lodged. There is no allegation that appellant abused the informant by caste name and as such, no offence under SC / ST Act is made out. Appellant claims clean antecedent.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge



SC / ST (Prevention of Atrocities ) Act, Begusarai in  
connection with SC / ST Police Station Case No. 45 of 2023  
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(Prabhat Kumar Singh, J)

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