

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2859 of 2025**

Arising Out of PS. Case No.-70 Year-2025 Thana- TARARI District- Bhojpur

Munna Mauar S/o- Nardeshwar Mauar Village- Gaharua Gatarua PS- Tarari District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar Paswan @ Anil Paswan S/o- Rajgir Paswan Village- Malhipur Ps- Sahebpur Kamal Dist- Begusarai, P/A- Tarari Ps- Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Sinha, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 16-10-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Learned Spl.P.P. has already informed the respondent No.2 regarding this case.

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 bail *vide* order dated 21.06.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Bhojpur at Ara in connection with B.P. No. 2180 of 2025 arising out of Tarari P.S. Case No. 70 of 2025 dated 11.04.2025 registered for the offence/s punishable u/ss 191(2), 191(3), 126(2), 115(2), 109,



132 and 352 of B.N.S. and Sections 3(i)(r)(s) of SC/ST (PoA) Act.

3. As per the prosecution case, on 11.04.2025, an information was received on Dial 112 of Tarari Police Station from the mobile no. 7079482407 that a man is creating ruckus after consuming alcohol. On this information, the informant and police personnel went to the house of the petitioner and when he was interrogating him, smell of alcohol was coming out from the petitioner's mouth. When the petitioner started walking with police team then 8-10 unknown persons surrounded police team and read the name plate of the informant and started abusing him using caste related word. Thereafter, all the accused persons and some unknown persons assaulted police team by means of bricks and stones, as a result the informant sustained head injury.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is no specific allegation against the petitioner rather the said allegation of abusing and assaulting police personnel is general and omnibus in nature. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the



appellant. The appellant has two criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 13.04.2025.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 21.06.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Bhojpur at Ara in connection with B.P. No. 2180 of 2025 arising out of Tarari P.S. Case No. 70 of 2025 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Bhojpur at Ara in connection with B.P. No. 2180 of 2025 arising out of Tarari P.S. Case No. 70 of 2025, with a condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable
cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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