

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3089 of 2025**

Arising Out of PS. Case No.-38 Year-2025 Thana- ANTI District- Gaya

Md. Haseen S/o Md. Idris R/o Village- Aanti, P.S- Aanti, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sadhu Paswan S/o Basdeo Gahlaut R/O Village- Aanti, P.S- Aanti, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar, Advocate. Ms. Riya Kashyap, Advocate.
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP.
For Informant	:	Mr. Vishwa Ranjan Choudhary, Advocate.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 18-12-2025 Heard learned counsel appearing on behalf of the appellant, learned Spl. PP for the State and learned counsel for the informant.

2. The appellant has preferred the appeal under Section 14(A)(2) of the SC/ST Act against the rejection of prayer for pre-arrest bail vide order dated 05.07.2025 passed by learned Exclusive Special Judge, SC/ST, Gaya in Aanti P.S. Case No. 38 of 2025 registered under Sections 126(2), 115(2), 352, 351(2) and 3(5) of the BNS and Sections 3(1)(r)(s)(w) of the SC/ST Act.

3. As per the allegation made in the F.I.R., appellant along with other accused persons had allegedly abused the



informant and other female members of his family in the name of their caste and also assaulted them causing injury.

4. Ms. Riya Kashyap, learned counsel appearing on behalf of the appellant submitted that the appellant is not named in the F.I.R. She submitted that general and omnibus allegation has been alleged against all the accused persons who are named and unnamed in the F.I.R. Learned counsel submitted that in absence of any specific allegation against the appellant of abusing the informant and female members of his family in public view, no case is made out against the appellant under Section 3(1)(r)(s)(w) of the SC/ST Act. On these grounds, learned counsel seeks that the appellant be released on pre-arrest bail.

5. *Per contra*, Mr. Vishwa Ranjan Chaudhary, learned counsel tendered his appearance on behalf of the informant and submitted that the alleged offence took place in public view and as such, the ingredients of Sections 3(1)(r)(s)(w) of the SC/ST Act is made out against the appellant, as such, he doesn't deserve to be released on bail.

6. Learned Spl.PP for the State has also opposed the prayer for grant of bail to the appellant.

7. Having considered the rival submissions made on



behalf of the parties, as well as, having perused the allegation made in the F.I.R., I find that the appellant is not named in the F.I.R. and allegation is general and omnibus against all the accused persons, no case under Section 3(1)(r)(s)(w) of the SC/ST Act is made out against the appellant, the appellant, above named, is directed to be released on bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Aanti P.S. Case No. 38 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

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

(Purnendu Singh, J)

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