

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3388 of 2025

Arising Out of PS. Case No.-247 Year-2025 Thana- EKMA District- Saran

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1. Uma Nath Mahto @ Uma Nath Singh Kuswaha S/O Moti Lal R/O Village- Ekma Bus Stand, P.S.- Ekma, Dist.- Saran at Chhapra (Bihar)
 2. Dharmendra Kumar Singh @ Dharmendra Singh Kuswaha S/O Uma Nath Singh Kuswaha @ Uma Nath Mahto R/O Village- Ekma Bus Stand, P.S.- Ekma, Dist.- Saran at Chhapra (Bihar)
 3. Rabindra Kumar Singh @ Rabindra Singh Kuswaha S/O Uma Nath Singh Kuswaha @ Uma Nath Singh R/O Village- Ekma Bus Stand, P.S.- Ekma, Dist.- Saran at Chhapra (Bihar)
 4. Dhannu Kumar Kuswaha @ Aaditya Raj S/O Dharmendra Singh Kuswaha @ Dharmendra Kumar Singh R/O Village- Ekma Bus Stand, P.S.- Ekma, Dist.- Saran at Chhapra (Bihar)

... .. Appellants.

Versus

1. The State of Bihar Patna
2. Nagmani Choudhary S/O Late Baliram Chaudhary R/O Vill. and P.O. and P.S.- Ekma, Dist.- Saran at Chhapra (Bihar)

... .. Respondents.

Appearance :

For the Appellants	:	Mr. Rajeev Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Respondent No.2	:	Mr. Anant Kumar Bhaskar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-11-2025 Heard learned counsel for the appellants, 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 31.07.2025 passed by learned Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Ekma P.S. Case No. 247 of 2025 registered



under Sections 126(2), 115(2), 118 (1), 109, 352, 351(2) and (3), 303 (2) and 3(5) of the B.N.S. and Section 3(1) (r) (s)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation in the first information report is that the accused persons including the present appellants came to the shop of the informant and assaulted him with lathi etc and hurled caste based abuses.

4. It is submitted by learned counsel for the appellants that it would be apparent from the first information report that there are general and omnibus allegations against number of accused persons, however no specific overt act has been attributed against these appellants and the same has been alleged in a general nature with no details as to what was the abuse and who abused. Further, it also does not appear from the F.I.R. that the same was done in presence of other persons, as such the provisions of SC/ST Act would not apply. It is further submitted that the injury report (Annexure-3) shows that the injuries are simple in nature and there is case and counter case, (Annexure-2) is the case filed by appellant no.4 against the informant and others.

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 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 there is case and counter case and the nature of the allegations are general and omnibus coupled with the fact that ornamental allegations of hurling abusive language has been imputed, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Ekma P.S. Case No.247 of 2025, subject to the condition as laid down under 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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