

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4274 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- AYARKOTHA District- Rohtas

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Hariom Thakur @ Hariom Kumar S/O Binod Sharma @ Binod Thakur
Resident of Village- Chilbila, Police Station- Ayar Kotha, District- Rohtas at
Sasaram

... .. Appellant/s

Versus

1. The State of Bihar
2. Hiralal Paswan S/O Late Munmun Ram R/O Village- Chilbila, P.S- Ayar Kotha, Distt.- Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Raghunandan Kumar Singh, Advocate
		Mr. Harendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the O.P. No.2	:	Mr. Babu Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-11-2025 Heard learned counsel appearing on behalf of

appellant, learned counsel appearing on behalf of the O.P.No. 2

and learned Spl. PP for the State.

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 03.08.2024 passed by

learned Additional District & Sessions Judge-17- cum - Special

Court, SC/ST Act, Rohtas at Sasaram in Ayar Kotha P.S. Case

No. 48 of 2024 registered under Sections 341, 323, 324, 354,

504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s),

3(2)(va) of the SC/ST Act.



3. As per the allegation made in the F.I.R., the informant has not given the required amount for hair cut to the appellant. The appellant along with his entire family members abused the informant and used caste offending words and also assaulted them causing injury.

4. Learned counsel appearing on behalf of appellant submitted that the appellant is innocent and he has falsely been implicated in the present case due to enmity . Learned counsel submitted that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The direct allegation is against Tuntun Thakur. There is no specific allegation against the appellant that he has used caste offending words against the informant. After heavy noise he came out of his house and saw that the said Tuntun Thakur and his family members were engaged in hot talk with the informant. Appellant has no criminal antecedent. In absence of any specific allegation against him, he seeks to be released on pre-arrest bail.

5. *Per contra*, learned counsel appearing on behalf of the O.P. No.2 submitted that the appellant is own family member of co-accused Tuntun Thakur. The complicity of the appellant cannot be denied as he has also assaulted the



informant along with co-accused Tuntun Thakur. The appellant had participated in using abusive words against the informant and his family members and at the same time, he has also mentioned caste of the informant in public view, as such the provision under Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act is made out against the appellant. On these background, the appellant don't deserve to be released on pre-arrest bail.

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

7. Having heard the rival submissions made on behalf of the parties, as well as, after perusing the allegation made in the FIR and in the injury report, which has been brought on record by way of Annexure-3 to the present petition, I find that in absence of any specific allegation against the appellant that he has assaulted the informant and his family members and at the same time he used caste offending words in public view, the provision under Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act is not attracted against the appellant. In such circumstances, the appellant, above named, is directed to be released on pre-arrest 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 Ayar Kotha P.S. Case No. 48 of 2024, 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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