

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4309 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- TARAIIYA District- Saran

-
1. Jitendra Singh @ Jitendra Kumar Singh, aged about 39 years, male, son of Girija Singh @ Ram Sewak Singh
 2. Amit Kumar @ Amit Kumar Singh, aged about 29 years, male, Son of Tarkeshwar Singh.
Both resident of Village- Taraiya, P.O- Taraiya, P.S- Taraiya, District- Saran at Chapra- 841424
 3. Vishal Kumar @ Santosh Prakash Singh, aged about 21 years, male, Son of Manoj Singh, resident of Village- Harakpura, P.O. + P.S.- Taraiya, District- Saran at Chapra-841424.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bipin Kumar Son of Vinod Manjhi Village- Taraiya, P.O- Taraiya, P.S- Taraiya, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jeetendra Narayan, Advocate
For the Respondent/s	:	Mr. Shashank Chandra, Advocate
		Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants; learned counsel for the informant and learned Spl. PP for the State.

2. The appellants have preferred the appeal under Section 14(A)(2) of the SC/ST (POA) Act against the rejection of prayer for pre-arrest bail vide order dated 22.08.2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Saran at



Chapra in Taraiya P.S. Case No. 310 of 2024 registered under Sections 126(2), 115, 118(1), 117, 109, 303(2), 352, 351(2), 351(3), 3(5) of the B.N.S. and Sections 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the allegation made in the F.I.R., on 23.07.2024 at about 06:00 P.M., while the informant was walking on the ground of Y.D.B.S. College along with his friend, the accused persons named therein including the appellants are said to have assaulted the informant by means of iron rod, wicket and hockey stick causing injury and had also used caste narrated words against him.

4. Learned counsel appearing on behalf of the appellant submitted that appellant is innocent and has falsely been implicated in the present case due to land dispute. He further submitted that the appellants have no concern with the aforesaid occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Similarly situated co-accused, namely Nilesh Kumar has already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 06.03.2025 passed in Criminal Appeal (SJ) No. 4669 of 2024. On these grounds, learned counsel submitted that appellants seek to be released on pre-arrest bail.



5. *Per contra*, learned counsel appearing on behalf of the informant submitted that recently the Apex Court in the case of ***Kiran vs. Rajkumar Jivraj Jain & Anr. [Special Leave Petition (Crl.) No. 8169 of 2025]*** referring to its earlier judgments passed in the case of ***Swaran Singh and others vs. State through Standing Counsel and another***, reported in **(2008) 8 SCC 435** and ***Hitesh Verma Vs. State of Uttarakhand and another***, reported in **(2020) 10 SCC 710** and subsequently referring to ***Karuppudayar Vs. State Rep. by the Deputy Superintendent of Police, Lalgudi Trichy & Ors. [Special Leave Petition (Criminal) No. 8778-8779 of 2024]*** drew distinction between the ‘public place’ and ‘any place within the public view’ held that “if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view.” In view of the same, Sections 3(1)(r)(s) of the SC/ST (POA) Act is attracted against the appellants as the incidence has admittedly taken place in public view and the appellants don't deserve to be released on pre-arrest bail.

6. Learned Spl. PP for the State has also 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, having perused the FIR and the impugned order, I find that allegation against the appellant is of having assaulted the informant by means of iron rod, wicket and hockey stick causing injury and also allegedly used caste narrated words against him. I find that all the sections are bailable, except the allegation under SC/ST(POA) Act. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Similarly situated co-accused, namely Nilesh Kumar has already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 06.03.2025 passed in Criminal Appeal (SJ) No. 4669 of 2024. I am of the opinion that the appellants have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The appellants, above named, are directed to be released on bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Taraiya P.S. Case No. 310 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the



BNSS.

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

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

