

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4353 of 2024

Arising Out of PS. Case No.-315 Year-2024 Thana- GAURICHAK District- Patna

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1. Laujit Kumar @ Laujit Singh, Son of Late Rana Singh, resident of village- Gopalpur, P.S.- Gaurichak, Dist- Patna
 2. Chintu Kumar @ Chintu Singh, Son of Arun Singh, resident of village- Gopalpur, P.S.- Gaurichak, Dist- Patna
 3. Totu @ Totu Singh @ Ledu Singh @ Pinku Kumar, son of Late Rajballam Singh, resident of village- Gopalpur, P.S.- Gaurichak, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Munna Kumar, Son of Shivrath Ravidas, resident of village- Gopalpur, P.S.- Gaurichak, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajeev Kumar Singh, Advocate Mr. Shashank Chandra, Advocate Mr. Dheeraj Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P. Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-11-2025 Heard learned Advocate for the appellant nos. 1 and 3
and learned Spl. P.P. 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 referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 20.08.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Gaurichak P.S. Case No. 315 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 333, 110, 3/5 of



B.N.S. and Section 3(i)(r)(s) of the SC/ST Act.

3. On the night of the fateful day, all the F.I.R. named accused persons entered into the house of the informant by calling his caste name, dragged him outside the house and started assaulting him, as a result of which the informant sustained injury upon his hand, back and thigh. The accused persons also destroyed the mobile and threatened with dire consequence.

3. Mr. Rajeev Kumar Singh, earned Advocate for the appellant nos. 1 and 3 taking this Court through the F.I.R. contended that as per the prosecution case the entire occurrence initially took place in the house of the informant at the mid night and further the informant was brought out, but it has not been alleged that any other persons were present while the occurrence took place. Hence in any view of the matter, the alleged occurrence was not within the public view. Thus, in view of the mandate of the Apex court in the case of ***Hitesh Verma Vs. State of Uttarakhand & Anr.***, reported in ***(2020) 10 SCC 710***, the penal provisions, much less Section 3(i)(r)(s) of the SC/ST Act is attracted.

4. Despite filing of the *Vakalatnama* on behalf of respondent no.2 and repeated adjournment for his appearance,



there is no representation on his behalf. However, learned Advocate for the State vehemently opposed the prayer of the appellant nos.1 and 3 and submitted that the appellants have actively participated and brutally assaulted the informant and abused by taking his caste name.

5. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the materials available on record, especially the allegation which clearly speaks that the same took place initially within the house and subsequently outside the house, however, it has not been disclosed that any other members of the society were present there and the assault or intimidation was made because the victim belongs to vulnerable section of the society and, as such, no penal provision, much less under SC/ST Act is attracted. The impugned order also does not suggest that the informant has sustained any serious injuries, let the appellant nos. 1 and 3, namely, **Laujit Kumar @ Laujit Singh and Totu @ Totu Singh @ Ledu Singh @ Pinku Kumar**, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Gaurichak P.S. Case No. 315 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellants.

6. The impugned order dated 20.08.2024 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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