

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3839 of 2025**

Arising Out of PS. Case No.-361 Year-2025 Thana- WAJIRGANJ District- Gaya

Raju Kumar @ Raju Yadav Son of Vidyanand Yadav @ Vidya Yadav Resident
Of Village -Sudhani Police Station- Wazirganj District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Chalitar Paswan Son of Late Mugheshwar Paswan Resident Of Village
-Sudhani Police Station- Wazirganj District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Braj Nandan Kumar Tiwary, Adv.
For the informant	:	Mr. Mahesh Kumar, Adv. Mr. Robin Kumar, Adv. Mr. Shadab Akhtar, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-09-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. Learned counsel for the appellant has filed
supplementary affidavit during course of the day which is kept on
the record.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the rejection of prayer for bail of the appellant
vide order dated 26.08.2025 passed by the learned Exclusive
Special Judge (SC/ST Act), Gaya in connection with B.P. No.
2302/2025 & 2231/2025 arising out of Wazirganj P.S. Case No.
361 of 2025 dated 07.06.2025 registered for the alleged offences
punishable under Sections 191(2), 190, 126, 115, 109, 74, 75, 352,



351(2) of the B.N.S. and Section 27 of the Arms Act and Sections 3(1)(r)(s)/ 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per prosecution case, the informant alleged that on 06.06.2025, DJ was playing and some women were dancing near the Devi Asthan, in the meantime, the appellant and co-accused persons along with 10 unknown persons came there and started abusing by calling their caste name and they also stopped the DJ and started assaulting the informant. When the informant's wife came to rescue him, she was also assaulted and caused a head injury. When the informant's sister and the daughter-in-law came to rescue, they were also brutally assaulted by the accused persons. Thereafter, the injured was taken to the hospital for treatment.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the allegation against the appellant is general and omnibus. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. As per the injury report of the injured, the injuries are simple in nature caused by hard and blunt object. It is further submitted that the appellant has no concern with the alleged offence. The appellant



has three criminal antecedents as stated in para 2 of the supplementary affidavit filed on behalf of the appellant. The appellant is in custody since 13.06.2025.

6. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 26.08.2025 passed by the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with B.P. No. 2302/2025 & 2231/2025 arising out of Wazirganj P.S. Case No. 361 of 2025, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gayaji in connection with Wazirganj P.S. Case No. 361 of 2025.

(Chandra Prakash Singh, J)

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