

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3861 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Sanjeet Singh S/o Mahendra Singh @ Mahendra Prasad Singh,
 2. Awanish Singh @ Awanish Kumar @ Avnish Singh @ Avnish Kumar, S/o-
Mahendra Singh @ Mahendra Prasad Singh
Both are resident of Village- Rariouna (Rariauna), Ward No.- 11, Gamharia
PS- Nowkothi(Naokothi), District- Begusarai

... .. Appellants

Versus

1. The State of Bihar
2. Soni Devi W/o Sri Ramdas Paswan, resident of Village-Rariouna Ward No-
11, Gamharia P.S.- Nowkothi, District- Begusarai

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-11-2025 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. Mr. Ashok Kumar, learned counsel appeared *suo*
motu for the informant.

3. At the outset, learned counsel appearing for the

appellants seeks permission to withdraw the prayer of

anticipatory bail for appellant no.1 namely, Sanjeet Singh as

during the pendency of present appeal, he was apprehended

by the police and, therefore, same become infructuous.



4. Considering the aforesaid, the appeal *qua* appellant namely, Sanjeet Singh stands dismissed as withdrawn being infructuous.

5. Accordingly, the present appeal survives only against appellant no.2 namely, Awanish Singh @ Awanish Kumar @ Avnish Singh @ Avnish Kumar.

6. The aforesaid appellant namely, Awanish Singh @ Awanish Kumar @ Avnish Singh @ Avnish Kumar has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'the Act') for setting aside the impugned order dated 28.08.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Nowkothi (Naokothi) P.S. Case No.131 of 2025 registered for the offences punishable under Sections 109(1), 352 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(1)(r) (s) and 3(2)(va) of the Act.

7. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.



8. The aforesaid accused/appellant namely, Awanish Singh @ Awanish Kumar @ Avnish Singh @ Avnish Kuma is named in the FIR and apprehending his arrest in connection with Nowkothi (Naokothi) P.S. Case No.131 of 2025 registered for the offences punishable under Sections 109(1), 352 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(1)(r)(s) and 3(2)(va) of the Act.

9. As per FIR, the appellant along with other co-accused persons assaulted the son of the informant causing head injuries. It is alleged that assault was made with intention to cause death.

10. It is submitted by learned counsel appearing for appellant that present occurrence took place out of neighbourhood disputes and differences. It is submitted that the son of informant during the occurrence, received single injury on his temporal region alleged to be caused by hard and blunt substance. It is simple in nature and type of injury was laceration, which is apparent from Annexure-2 of the present appeal. It is submitted that the nature of injury as alleged to



be caused by appellant during the occurrence is not of such nature, which may cause the death of son of informant and it also negate any intention to cause death for the reason that alleged assault not appears repeated. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **Jage Ram vs. State of Haryana & Ors. [(2015) 11 SCC 366]**. The appellant said to be man of clean antecedent.

11. Arguing further, it is submitted by learned counsel that nothing can be gathered from the face of FIR, which may suggest that present occurrence took place out of atrocities as defined within the meaning of the Act, 1989. It is pointed out that very general allegation regarding caste abuse was raised against the appellant and other co-accused persons.

12. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in **State of Madhya Pradesh vs. Parasram @ Purushottam** as reported in **[2015 (153) AIC 276]**.



13. Learned Special Public Prosecutor duly assisted by Mr. Ashok Kumar, learned counsel appearing for the informant while opposing the prayer for bail of the appellant submitted that the allegation to cause head injury is specifically available against appellant, whereas he fairly conceded that the nature of injury as alleged to be caused by this appellant found simple in nature upon medical examination.

14. In view of aforesaid factual and legal submissions and by taking note of nature of injury, which upon medical examination found simple as alleged to be caused by this appellant to the son of informant, coupled with the fact that alleged assault also not *prima facie* appears repeated, negating *prima facie* intention to cause death, where the allegation *qua* caste abuse also appears raised in very general and omnibus manner, accordingly, the appellant Awanish Singh @ Awanish Kumar @ Avnish Singh @ Avnish Kumar in the event of his arrest or surrender before the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Nowkothi (Naokothi) P.S. Case No.131 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

15. Accordingly, the impugned order dated 28.08.2025 as passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in ABA No.1821 of 2025 is set aside.

16. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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