

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5270 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- SC/ST District- Supaul

Om Prakash Yadav S/o- Shri Chhutaharu Yadav @ Chutahur Yadav Village-
Jhajha ward 6 PS- Saraigarh Bhaptiyahi District- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Neeraj Kumar S/o- Sri DhyaniRam Village- Kamaldaha ward 8 PS-
Kishanpur District- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amrit Abhijat, Adv.
For the State	:	Mr.Sadanand Paswan, Spl. P. P
For the respondent no.2	:	Mr. Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-11-2025 Heard Mr. Amrit Abhijat, learned counsel for the
appellant, Mr. Sadanand Paswan, learned Spl. P. P. for the State
and Mr. Vijay Kumar, learned counsel for the respondent no.2.

2.The instant appeal has been filed under Section
14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989 against
the order dated 24.10.2024 passed by the Court of learned
Additional Sessions Judge-I-cum Special Judge SC/ST (POA)
Act, Supaul in connection with Supaul SC/ST P.S. Case No. 34
of 2024 registered for the offences punishable under Sections
379, 354, 341, 323, 324, 504 read with section 34 of the Indian
Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act
whereby and whereunder the appellant's prayer for anticipatory



bail was rejected.

3. The main submissions advanced by the appellant's counsel are that the alleged offences are said to have taken place at the door of the house of the informant which does not fall in the purview of a public place and at the time of the alleged occurrence, the alleged place is not said to be in the public view, the FIR has been registered against 11 named accused and 150 unknown, in between both the parties there are cases against each other and on the same day of the alleged occurrence Kishanpur P.S. Case No. 128 of 2024 by one Ramdeo Sutihar was lodged with an allegation of eve teasing against the informant of the present case and five others and that incident infuriated a large crowd consequently leading to the alleged occurrence and the allegation relating to the offences under the SC/ST Act is completely false and unbelievable as the same is against 150 persons. It is lastly submitted that Neeraj Kumar, informant of the present case, is said to have been assaulted by the appellant and his injury has been opined to be simple in nature and further, allegation of assault is against a large crowd but on the body of the informant only one injury has been found which in itself falsifies the allegation and shows the exaggeration of the allegation by the prosecution party.



4. On the other hand, learned counsel for the respondent no.2 submits that there is serious allegation against the appellant and the alleged occurrence was committed at the door of the house of the informant in full public view as informant's door is situated at the outer part of his house and four persons sustained injuries in the alleged occurrence and there is specific allegation of assault against this appellant, further he has criminal antecedents of four cases detailed in the memo of the appeal.

5. Heard both the sides and perused the FIR as well as the trial court's order. Though, the FIR has been registered against several persons showing 11 named persons, including the appellant, and other unknown persons but against the appellant there is specific allegation of assaulting the informant who admittedly belongs to SC category and the FIR shows that the alleged occurrence was committed in planned manner though, the appellant has taken the plea that the occurrence took place on account of an incident of eve teasing which had been committed by the informant and others with a girl of the locality but the said fact may be relevant during the course of trial but at this stage, in view of the aforesaid materials and considering the appellant's criminal antecedents of four cases, this court is not



persuaded to form the opinion that the alleged offences of the SC/ST Act in which the FIR has been registered do not attract even prima facie against the appellant, so, the appellant’s prayer is hit by the bar of section 18 of the SC/ST Act, therefore, the appellant’s prayer is fit to be rejected as there is no merit in the same. In the result, the instant appeal stands rejected.

(Shailendra Singh, J)

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