

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5349 of 2024

Arising Out of PS. Case No.-506 Year-2024 Thana- BIKRAMGANJ District- Rohtas

Manish Kumar S/o- Mohan Singh Village- Tenduni Ward No 17 PS-
Bikramganj District-Rohtas

... .. Appellant

Versus

1. The State of Bihar
2. Pramod Kumar S/o- Late Shiv Person Paswan Village-TenduniW.No-3, Ps-
Bikramganj Dist- Rohtas

... .. Respondent

Appearance :

For the Appellant/s : Mr.Chhotelal Mishra, Advocate
For the Respondent/s : Mr.Binod Kumar,Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 14-11-2025 Heard learned counsel appearing on behalf of the

appellant and learned Spl. PP appearing for the State.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act”) against the refusal of prayer for anticipatory bail vide order dated 23.10.2024 passed by the learned Additional District Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 506 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 352, 324, 303(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short the “B.N.S.”) and section 3(1)(r)(s) of the SC/ST (POA) Act.



3. As per FIR, certain scuffling took place between the informant and appellant on the issue of payment of tea as the informant was the tea vendor. It is further alleged that when the money for tea was asked, instead of paying money, appellant assaulted him by tying Gamcha around his neck and also taken away cash of Rs. 4087/- from the drawer of the tea shop.

4. It is submitted by learned counsel appearing on behalf of the appellant that present occurrence took place out of monetary disputes related with supply of tea to the appellant. It is pointed out that even as per FIR, informant was not abused by the appellant by his caste name. It is submitted that allegation of theft of cash as alleged is only to aggravate the allegation and furthermore there is no abuse of caste name in public view.

5. Mr. Binod Kumar, learned Spl.P.P. for the State, while opposing the prayer of anticipatory bail as raised through present appeal, submitted that allegation is specific against the appellant to commit theft and also to assault the informant.

6. In view of aforesaid factual submission and by taking note of the fact as *prima facie* the allegation of abuse by taking caste name is not available, where the occurrence took



place in the background of trivial issues, as discussed aforesaid, accordingly, above-named appellant, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram/concerned court in connection with Bikramganj P.S. Case No. 506 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

7. Accordingly, impugned order dated 23.10.2024 as passed by learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in Bikramganj P.S. Case No. 506/2024 is hereby set-aside.

8. Hence, this appeal stands allowed.

(Chandra Shekhar Jha, J)

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