

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5409 of 2024

Arising Out of PS. Case No.-646 Year-2024 Thana- WAJIRGANJ District- Gaya

Ramesh Pandey Son of Sakal Pandey @ Sakaldev Pandey Resident of Village
- Khiriyawan, P.S. - Wazirganj, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Chandan Kumar Rajak Son of Sunil Kumar Rajak Resident of Village -
Khiriyawan, P.S. - Wazirganj, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-11-2025 Heard Mr. Arvind Kumar Singh, learned counsel for

the appellant and Mr. Sadanand Paswan, learned Spl. P.P. for the

State.

2. The instant appeal has been filed under Section 14-
A (2) of the Scheduled Caste and Scheduled Tribes Prevention
of Atrocities Act SC/ST (POA) Act, 1989 against the order dated
07.10.2024 passed by the Court of Special Judge, SC/ST (POA)
Act, Gaya in connection with Wazirganj P.S. case no. 646 of
2024 registered for the offences under Sections 126, 115(2),
117(2), 352, 351(3) and 3(5) of the B.N.S. and Sections 3(1)(r)
and 3(1)(s) of SC/ST (POA) Act by which the appellant's prayer
for anticipatory bail was rejected.



3. The main submissions advanced by the appellant's counsel are that the appellant neither abused the informant nor assaulted him, in fact due to a dispute regarding drainage already running in between both the parties a false allegation has been levelled against the appellant by lodging the FIR by the informant and further, the alleged occurrence is not said to have taken place in public view and there is no any kind of injury to the informant, hence, the offences of the SC/ST Act under which the FIR has been registered do not even prima facie attract against the appellant and his prayer is not hit by the provisions of section 18 of the SC/ST Act.

4. No one is present on behalf of the respondent no. 2.

5. Learned Spl. PP appearing for the State has vehemently opposed the prayer of the appellant and submits that against him there is specific allegation of having assaulted the informant and also of abusing him.

6. Heard both the sides, perused the FIR and the case diary. As per the allegation the appellant firstly abused the informant by using his caste name when an altercation was going on between the informant and one Babuni Pandey and in that course the appellant also allegedly assaulted the informant on his head by means of an iron rod and in this regard, the



injury report of the informant available in the case diary is relevant. The FIR has been registered under the SC/ST Act and this court is not persuaded to form the opinion that the offences of SC/ST Act do not attract even prima facie against the appellant, so considering this aspect the appellant’s prayer is hit by the provisions of Section 18 of the SC/ST Act, and this court finds no merit in this appeal and his prayer has been rightly rejected by the trial court.

7. Accordingly, this appeal stands dismissed.

(Shailendra Singh, J)

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