

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5419 of 2024

Arising Out of PS. Case No.-274 Year-2024 Thana- GURUA District- Gaya

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1. Vikash Yadav @ Vikash Kumar, Son of Kameshwar Yadav,
 2. Prakash Yadav @ Prakash Kumar, Son of Kameshwar Yadav
 3. Ranjan Kumar @ Ranjan Yadav, Son of Kali Charan Yadav
- All are Resident of Village - Punaul, P.S. - Gurua, District - Gaya

... .. Appellants

Versus

1. The State of Bihar
2. Sobha Devi, Wife of Ravi Chaudhary, Resident of Village - Punaul, P.S. - Gurua, District - Gaya

... .. Respondents

Appearance :

For the Appellant/s : Mr. Nityanand Neeraj, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-11-2025 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') for setting aside the impugned order dated 23.10.2024 passed by the learned A.D.J.-cum-Special Judge, SC/ST, Gaya in connection with Gurua P.S. Case No.274 of 2024 registered for the offences punishable under Sections 127(1), 115(2), 117(2), 74, 333 read with 3(5) of the Bhartiya Nyay Sanhita,



2023 (in short 'BNS') as well as Sections 3(i)(ii)(r)(s) of the Act.

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

4. All above-named three accused/appellants are named in the FIR and apprehending their arrest in connection with Gurua P.S. Case No.274 of 2024 registered for the offences punishable under Sections 127(1), 115(2), 117(2), 74, 333 read with 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short 'BNS') as well as Sections 3(i)(ii)(r)(s) of the Act.

5. As per FIR, all appellants alleged to assault the family members of the informant, who is the member of scheduled castes community and also to snatch the golden jewelry during occurrence.

5. It is submitted by learned counsel appearing for the appellants that the present occurrence took place out of neighbourhood disputes and differences. It is also submitted that this is a case of no injury. It is pointed out that the face of FIR categorically suggest that the informant and others were not abused by their caste name and, therefore, *prima*



facie no case punishable under the SC/ST Act appears made out. It is submitted that appellant nos. 1 and 2 were found involved in one more criminal case, where they are on bail, whereas appellant no.3 is a man of clean antecedent.

6. Learned counsel for the appellants 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]***.

7. Learned Special Public Prosecutor has opposed the prayer for bail of the appellants.

8. Despite of service of notice to informant, none has joined the present proceedings on behalf of the informant.

9. In view of aforesaid factual submissions and by taking note of fact as allegation of physical assault *qua* appellants *prima facie* appears raised in very general and omnibus manner, *prima facie* suggesting that the informant was not abused by caste name, accordingly, all above-named three appellants, in the event of their arrest or surrender



before the court below within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-cum-Special Judge, S.C./S.T. Gaya in connection with Gurua P.S. Case No. 274 of 2024, 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’).

10. Accordingly, the impugned order dated 23.10.2024 passed by the learned A.D.J.-cum-Special Judge, SC/ST, Gaya in connection with Gurua P.S. Case No.274 of 2024 is set aside.

11. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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