

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.199 of 2026

Arising Out of PS. Case No.-826 Year-2025 Thana- MASAUDHI District- Patna

Gulshan Kumar, Son of Vijay Bind, R/o Village - Nashiawan, P.S - Lahsunia,
District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Paswan, Son of Sakaldeep Paswan, R/o Village- Nashiawan,
P.S - Lahsunia, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Murari Mishra, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 17-07-2026

Heard learned counsel for the appellant and learned Special PP for the State. However, even after valid service of notice, none has entered appearance on behalf of the respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated 20.12.2025 passed by the Exclusive Special Judge, SC/ST Act, Patna in Masaurhi P.S.Case No. 826 of 2025, registered under Sections 191(2), 190, 126(2), 115(2), 118(1), 109(1), 117(2), 303(2), 352 of BNS and Sections 3(1) (r) (s)/ 3 (2) (v) of the SC/ST Act.



3. As per prosecution case, the appellant and other co-accused persons hurled abuses against the son-in-law and nephew of the informant by taking their caste name and, thereafter, they assaulted them with *lathi*, *danda*, bricks etc. causing serious injuries to them.

4. The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The present case is counterblast of Masaurhi P.S. Case No. 827 of 2025 which was registered on the same day for the occurrence of the same time as the present informant and others brutally assaulted Mostt. Pramila Devi and her son Sonu Kumar and in order to save their skin filed the present false case. In these circumstances, it is apparent that taking advantage of their caste, this case has been lodged by the informant with a false story. The learned counsel further submits that allegation of assault is false and fabricated and moreover it is general and omnibus against all the accused persons. The learned counsel further submits that it is the informant's side, who are in majority, and the appellant or other co-accused persons would not have dared to assault them. The learned counsel also submits that the petitioner is having antecedent of one case and he is on bail.



5. The learned Special PP vehemently opposes the submission made on behalf of the appellant. The learned Special PP submits that there is allegation against the appellant and others that they hurled caste abuses against the family members of the informant and subsequently assaulted them causing number of injuries to them.

6. Perused the records.

7. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the case and counter case of the parties and further considering the possibility of false accusation and also considering the *prima facie* absence of any cogent materials against the appellant to make out a case under the provisions of SC/ST Act, let the appellant above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna in connection with Masaurhi P.S. Case No. 826 of 2025, subject to the condition as laid down under Section 482(2) of BNSS and other following conditions:

(i) One of the bailors will be a close relative of



the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below, if so required by the learned trial court.

8. Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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