

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.713 of 2025

Arising Out of PS. Case No.-5 Year-2024 Thana- SC/ST District- Khagaria

Mitthu Yadav @ Mitthu Kumar S/O Ashok Yadav R/O Village- Nanku Mandal Tola, P.S- Muffasil Khagaria, Distt.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prabhakar Kumar S/O Yogendra Paswan R/O Village- Nanku Mandal Tola, P.S- Muffasil Khagaria, Distt.- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 25-02-2026 Heard learned counsel for the appellant and learned Special Public Prosecutor appearing for the State. Although the notice has been validly served upon respondent No.2, there is no representation on his behalf.

2. This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 19.12.2024 passed by learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Khagaria, in A.B.P. No. 82 of 2024 in connection with SC/ST P.S. Case No. 05 of 2024, registered under Sections 341, 323, 307, 504 506/34 of the I.P.C. read with Sections 3(1)(r)(s) and 3(2)(v) of Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 16.02.2024 the informant, namely, Prabhakar Kumar went to a shop to buy some items. Upon reaching the shop, he saw that the appellant along with other co-accused persons were playing music on DJ and shouting filthy caste-based slurs. When the informant protested the same, then the appellant and the co-accused persons along with 8-10 unknown miscreants armed with lathi and danda abused the informant by calling his caste name. When the brothers of the informant, namely, Diwakar Kumar and Dinkar Kumar opposed the accused persons then all of them started assaulting them with iron rod and butt of pistol due to which they sustained injuries on the head and back. When the informant came to rescue, he was also brutally assaulted due to which he sustained head injury and became unconscious. Thereafter, the injured were taken to the hospital for treatment. It is also alleged that again on 18.02.2024 at about 7 P.M., 8-10 persons came to his house and threatened that if any case is lodged they will be killed.

4. Learned counsel appearing for the appellant



submits that the appellant bears clean antecedent and is innocent. It is further submitted that there is a delay of three days in lodging the FIR without giving any plausible explanation for the same. It has further been submitted that it appears from the F.I.R. itself that there is general and omnibus allegation levelled against the appellant to have assaulted the informant and his brothers. As per the Annexure- 3, it is evident that the injury sustained by the injured is simple in nature. Moreover, the co-accused, namely, Mithu Yadav has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Appeal (S.J.) No. 2502 of 2024 vide order dated 22.08.2024 and the case of the appellant is similar to that of the aforesaid co-accused. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. Hence, the impugned order may be set aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant.



6. Considering the entire facts and circumstances of the case and the fact that the appellant bears clean antecedent and the allegation does not appear to be within public view, let the above named appellant in the event of his arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Khagaria, in connection with SC/ST P.S. Case No. 05 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 19.12.2024 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

Jyoti/-

U		T	
---	--	---	--

