

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1021 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- MOKAMAH District- Patna

-
1. Shyamdev Kumar @ Shyamdev Yadav S/o Awadhesh Yadav Resident of Village- Kanhaipur, Ward No 1, P.S. Mokama, District- Patna
 2. Bashishth Kumar @ Kaushal Yadav S/o Awadhesh Yadav Resident of Village- Kanhaipur, Ward No 1, P.S. Mokama, District- Patna
 3. Bam Bam Kumar S/o Udesb Yadav Resident of Village- Kanhaipur, Ward No 1, P.S. Mokama, District- Patna
 4. Sachin Kumar S/o Udesb Yadav Resident of Village- Kanhaipur, Ward No 1, P.S. Mokama, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikky Kumar S/o Ram Swarth Paswan R/o vill - Kanhaipur, ward no. 13, P.s. - Mokama, distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manmohan Kumar
For the Respondent/s	:	Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 23-02-2026 1. No one appears for the appellants.
2. Learned counsel for the State is present.
3. An order, dated 15.01.2024, passed by learned Exclusive Special Judge, SC/ST Act, Patna, in ABP No. 11544 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Mokama Police Station Case No. 434 of 2023 registered for the offence



punishable under Sections 341, 323, 379, 504, 34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

4. As per the prosecution story, the appellants stopped the motorcycle of the informant, started abusing with caste name and assaulted him. When the informant objected, the appellant No. 2 assaulted the informant by means of iron rod.

5. I have heard learned counsel for the state and have perused the record.

6. No one appears for opposite party no. 2.

7. From perusal of the FIR, it appears that appellants accosted the informant in the evening at 6.30 p.m. and assaulted and abused with caste name. There is no allegation in the FIR that members of the public were also present at the time of incident. The assault made by the appellants upon the informant is not serious in nature except allegation of snatching of locket, i.e., Section 379 and other Sections under the IPC are bailable.

8. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation made in the FIR and the fact that no serious injury has been caused to the informant and the abuse by the caste name



was not made in the full public view and was not in order to demean the dignity of the informant, I am inclined to grant the appellants privilege of anticipatory bail.

9. This appeal is, accordingly, allowed and the order, dated 15.01.2024, passed by learned Exclusive Special Judge, SC/ST Act, Patna, in ABP No. 11544 of 2023, is set aside.

10. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Mokama Police Station Case No. 434 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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

