IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.663 of 2026

CNR No. BRHC010163792026

Arising Out of PS. Case No.-337 Year-2025 Thana- BELAGANJ District- Gaya

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Pintu Kumar @ Pintu Yadav Son of Arjun Yadav Resident of Village- Sakir Bigha, P.S.- Belaganj, District- Gaya Ji

... ... Appellant/s

Versus

1. The State of Bihar
2. Mohan Paswan Son of Late Ramswaroop Paswan Resident of Village- Sakir Bigha, P.S.- Belaganj, District- Gaya Ji

... ... Respondent/s

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Appearance :
For the Appellant : Ms. Priya Ranjan, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP
For the Informant : N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing for the appellant and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no one appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 24.09.2025 passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Gaya in A.B.P. No. 252 of 2025 arising out of Belaganj P.S. Case No. 337 of 2025 which was registered for the offence punishable under Sections 126(2), 115(2), 352, 351(2), 132 and 3(5) of the B.N.S. and Sections

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3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

4. The prosecution case, in brief, is that on 03.06.2025 at about 9 PM, informant, namely Mohan Paswan, who is posted as a *chowkidar* at Belaganj Police Station, received information regarding an incident and upon reaching the village with police, he was abused with caste based slurs and assaulted by all the F.I.R. named accused persons, including this appellant and they questioned him about his authority as a *chowkidar* and threatened him of dire consequences.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Appellant has falsely been implicated in this case with ulterior motive. Allegation of assault is general and omnibus and no specific accusation of overt act has been levelled against this appellant. Moreover, there is no injury report on record to substantiate the allegations levelled in the F.I.R.. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

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It is further submitted that co-accused Pintu Yadav, having similar and identical allegations, has already been granted regular bail by the learned trial court vide order dated 24.09.2025 passed in B.P. No. 2458 of 2025.

6. On the other hand, learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that appellant is named in the F.I.R. and there is specific accusation that he abused informant by caste name and assaulted him. Appellant has got two criminal antecedents of similar nature.

7. Considering the facts and circumstances of the case, specific and direct nature of accusation, gravity of offence and criminal antecedents of the appellant, appellant's prayer for grant of pre-arrest bail is rejected and this appeal is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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