

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1010 of 2024

Arising Out of PS. Case No.-755 Year-2019 Thana- FATUA District- Patna

1. Arun Singh Son of Mahendra Singh Resident of Village- Mudera, P.S. Fatuha, District- Patna
2. Shivam Kumar Son of Sahdev Kumar Mahto Resident of Village- Mudera, P.S. Fatuha, District- Patna
3. Raza Kumar Son of Nagendra Mahto Resident of Village- Mudera, P.S. Fatuha, District- Patna
4. Shashi Kumar @ Sashi Kumar Son of Niranjan Kahar Resident of Village- Mudera, P.S. Fatuha, District- Patna
5. Golu Kumar Son of Surajdeo Mistri Resident of Village- Mudera, P.S. Fatuha, District- Patna
6. Satyam Kumar Son of Muniji Mahto @ Vrij Kishor Singh Resident of Village- Mudera, P.S. Fatuha, District- Patna
7. JHAPPU SINGH @ JHAPPU KUMAR Son of Jagnarain Mahto Resident of Village- Mudera, P.S. Fatuha, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Bulu Mochi Son of Bhola Das Resident of Villag- Machhrianwa, P.O.- Bankipur, P.S.- Fatuha, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 13-03-2026 Heard learned counsel for the appellants and Mrs. Usha Kumari-1, learned Special P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.12.2023, passed by learned Exclusive Special Judge SC/ST, Patna in



connection with Fatuha P.S. Case No.755 of 2019, registered under Sections 147, 149, 341, 323, 308 and 504 of the Indian Penal Code as well as Section 3(i)(r)(s) of the SC/ST (POA) Act, 1989.

3. Learned counsel appearing on behalf of the appellants submits that by order dated 07.05.2024 notices were issued to respondent no.2 and the same was received by the nephew of respondent no.2, as would manifest from office report dated 21.05.2025. It is next submitted that a jointness application has been filed stating that the nephew of respondent no.2 stays with him. Since, jointness application has been filed, as such, the notice is deemed to be validly served. It is next submitted that appellants are persons with clean antecedent and the informant alleges that on 30.10.2019 at 10 p.m., he was returning home after immersion of idol when he saw near a petrol pump that 8-10 accused persons had caught a boy and were asking him to dance, on protest, the accused persons started assaulting by rod, farsa and danda causing injury on head and also assaulted Sohan and Kalu by butt of pistol and rod. Further, the name of the accused persons including the appellants were disclosed in the FIR of committing the occurrence.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that no allegation of abuse



is alleged and as far as allegation of assault is alleged, the same is general and omnibus in nature. It is further submitted that this perhaps explains why the informant despite receiving notice chooses not appear and contest. It is next submitted that in the nature of allegations, as alleged in the FIR, prima facie offence under the SC/ST Act is not made out.

5. After hearing learned counsel for the parties, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Patna in connection with Fatuha P.S. Case No.755 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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