

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.891 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- GUTHANI District- Siwan

Vivek Prajapati @ Jhagaru Son of Darji Prajapati Resident of Village-
Matiyara, P.S.- Lar, Distt.- Deoria (Uttar Pradesh)

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Gond Sonof Hemnarayan Gond Resident of Village- Pandey
Gundi, P.S.- Guthani, Distt.- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raghav Prasad, Advocate
For the Respondent No. 2	:	Mr. Ajay Kumar Pandey, Advocate
		Ms. Shyama Rani, Advocate
		Mr. Sandeep Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 25-02-2026 Heard learned counsel for the appellant, learned
counsel for the Respondent No. 2 and learned Special Public
Prosecutor appearing for the State.

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
13.01.2025 passed by learned Additional Sessions Judge-1st-
cum-Special Judge (SC/ST Act), Siwan, in A.B.P. No. 2312 of
2024 in connection with Guthani P.S. Case No. 43 of 2024,
registered under Sections 341, 323, 307/34 of the I.P.C., under
Section 27 of the Arms Act read with Sections 3(1)(r)(s) 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 25.02.2024 at about 6:30 P.M., the informant, namely, Rajkumar Gond was sitting on a bridge over a Canal, in the meantime, the appellant and co-accused person came riding on a motorcycle and started hurling caste-based slurs at him. When the informant opposed the same, then both the persons started assaulting him after which the appellant took out a pistol and shot in the head of the informant due to which he became injured and blood started oozing out, but somehow he managed to save his life and with the help of the villagers he was taken to Sadar Hospital, Siwan for treatment.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and is innocent. It is further submitted that from perusal of the injury report of the informant, which has been annexed as Annexure-2, it is evident that the injury sustained by the informant is simple in nature caused by hard and blunt substance. 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. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellant. 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 and learned counsel for the Respondent no. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent coupled with the fact that the allegation of firing by the appellant is not substantiated by the injury report and the allegation of abuse with caste name 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 Additional Sessions Judge-1st-cum-Special Judge (SC/ST Act), Siwan, in connection with Guthani P.S. Case No. 43 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 13.01.2025 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

Jyoti/-

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

