

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5463 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- SC/ST District- Sheohar

Gopal Upadhayay @ Gopal Kumar Son of Manoj Upadhyay @ Manoj Kumar Upadhayay village - Mahuariya, P. S - Sheohar, District - Sheohar

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Dashrath Paswan son of Late Ramashish Paswan village - Mahuariya, ward no. 16, P. S - Sheohar, District - Sheohar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5563 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- SC/ST District- Sheohar

Prabhu Nath Singh @ Parbhu Singh son of Late Yogendar Singh village - Mahuariya, Ward No. 15 , Sheohar, District - Sheohar

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Dashrath Paswan Son of Late Ramashish Paswan village - Mahuariya, Ward No. 16 , Sheohar, District - Sheohar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 861 of 2025

Arising Out of PS. Case No.-14 Year-2024 Thana- SC/ST District- Sheohar

- 1. Saurav Singh @ Saurav Kumar S/o Vinod Singh R/o Village- Mahuariya, P.S- Sheohar, District- Sheohar
- 2. Tutu Singh @ Ratnesh Kumar Singh S/o Shambhu Nath Singh @ Shambhu Singh R/o Village- Mahuariya, P.S- Sheohar, District- Sheohar

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Dashrath Paswan S/o Late Ram Ashish Paswan R/o vill - Mahuariya, P.s.- Sheohar, Distt.- Sheohar, Bihar

... .. Respondent/s



Appearance :

(In CRIMINAL APPEAL (SJ) No. 5463 of 2024)

For the Appellant/s : Mr. Devendra Kumar, Advocate
For the Respondent No. 2 : Mr. Arvind Kumar Singh, Advocate
Mr. Jay Ram Prasad, Advocate
For the State : Mr. Sadanand Paswan, Spl PP

(In CRIMINAL APPEAL (SJ) No. 5563 of 2024)

For the Appellant/s : Mr. Devendra Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl PP

(In CRIMINAL APPEAL (SJ) No. 861 of 2025)

For the Appellant/s : Mr. Chandan Kumar, Advocate
Mr. Bindhyachal Rai, Advocate
For the Respondent No. 2 : Mr. Jairam Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 13-02-2026 Heard learned counsel for the appellants, learned
counsel for Respondent No. 2 as well as learned Special Public
Prosecutor appearing for the State.

2. All these applications are arising out of the same
P.S Case i.e. SC/ST P.S. Case No. 14 of 2024, hence, they are
being heard together and are being disposed of by a common
order.

3. This appeals under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 have been directed against the orders dated
29.10.2024, 28.11.2024 and 24.01.2025 passed by learned
Exclusive Special Judge, SC/ST, Seohar, in A.B.P. No. 352 of
2024, A.B.P. No. 364 of 2024 and A.B.P. No. 02 of 2025,
respectively, in connection with SC/ST P.S. Case No. 14 of
2024, registered under Sections 126(2), 115(2), 118(1), 352,



351(2) and 190 of the B.N.S read with Section 3(i)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

4. As per the prosecution case, on 10.10.2024, Abhishek Kumar (nephew of the informant) had gone to attend a cultural program in the village, at that moment Gopal Upadhyay (appellant) Saurabh Singh (appellant) and Ratnesh Upadhyay came and started hurling caste-based slurs at him. On being opposed, all the accused persons began assaulting him by fist due to which he got injured. When the informant learned about the said incident he along with his brother, namely, Subodh Paswan went to the house of Santosh Singh, then the situation escalated, thereafter, Prabhu Singh (appellant), Tutu Singh (appellant) and Santosh Singh altogether started assaulting the informant with stick and hit his head with iron rod causing fracture in his head and threatened him with dire consequences. On *hulla*, the villagers came and took the informant to hospital.

5. Learned counsel appearing for the appellants submits that the appellants are innocent and have falsely been implicated in this case. It has further been submitted that the



appellants, namely, Gopal Upadhyay, Prabhu Nath Singh and Tuttu Singh have clean criminal antecedent whereas the appellant, namely Saurabh Singh, has one criminal antecedent as stated in para 3 of the bail petition. Moreover, co-accused, namely, Ratnesh Upadhyay has already been granted the privilege of anticipatory bail by co-ordinate Bench of this Court in Cr. Appeal (S.J.) No. 174 of 2025 vide order dated 23.12.2025 and the case of the appellants 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 appellants may be granted the privilege of anticipatory bail.

6. Learned Special Public Prosecutor for the State as well as learned counsel for the Respondent No. 2 has vehemently opposed the prayer for grant of anticipatory bail to the appellants.

7. Considering the entire facts and circumstances of the case and the fact that the co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench



of this Court and the allegation does not appear to be within public view, let the above named appellants in the event of their arrest/surrender within a period of six 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 the learned Exclusive Special Judge, SC/ST, Seohar, in connection with SC/ST P.S. Case No. 14 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.

8. Accordingly, the appeals are allowed and the impugned orders dated 29.10.2024, 28.11.2024 and 24.01.2025 rejecting the prayer for grant of anticipatory bail to the appellants are, hereby, set aside.

(Praveen Kumar, J)

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