

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1043 of 2025

Arising Out of PS. Case No.-201 Year-2024 Thana- PANDARAK District- Patna

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1. Naresh Kumar S/O Late Sitaram Saw @ Sita Ram Gupta Resident of Village- Gowasha, Shekhpura, P.S- Pandarak, Distt.- Patna.
 2. Kupendra Saw @ Kopindra Kumar S/O Late Sitaram Saw @ Sita Ram Gupta Resident of Village- Gowasha, Shekhpura, P.S- Pandarak, Distt.- Patna.
 3. Santosh Saw @ Santosh Kumar S/O Ashok Saw Resident of Village- Gowasha, Shekhpura, P.S- Pandarak, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anchan Devi W/O Budhan Chaudhary R/O Village- Gowasha Shekhpura, P.S- Pandarak, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhim Sen Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Bishwajeet Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-04-2026 Heard learned counsel for the appellants, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 10.12.2024 passed by learned Exclusive Special Judge, SC/ST, Act Civil Court (Sadar), Patna in ABP No. 4876 of 2024 arising out of Pandarak P.S. Case No. 201 of 2024 registered under Sections 126(2), 115(2), 303(2), 74, 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per F.I.R., on 19.07.2024, when son of the informant asked for his due wages of Rs. 4,500/- from the tent owner, then these appellants abused him by caste name and assaulted him. When informant reached at the spot, then accused persons also abused and assaulted informant and her husband with iron rod.

4. Learned counsel for the appellants submits that appellant and are innocent and have committed no offence. Appellants are also workers in the tent house and on petty dispute, altercation took place between the parties in which both sides sustained injuries. Case and counter case. Allegation of assault is general and omnibus. F.I.R. has been lodged after inordinate delay of about 20 days which itself raises doubt over veracity of the prosecution case. It is not the case of informant that any member of public was present at the place of occurrence and as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.



6. Considering the nature of accusation, delay in lodging the F.I.R. and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds 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 Civil Court (Sadar), Patna in ABP No. 4876 of 2024 arising out of Pandarak P.S. Case No. 201 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 10.12.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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