IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.897 of 2026

CNR No. BRHC010235002026

Arising Out of PS. Case No.-1303 Year-2025 Thana- NAWADA District- Nawada

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Naresh prasad Son of Late Arjun Prasad R/o Village - Khemchand Bigha, P.S. - Nawada, Dist. - Patna.

... ... Appellant/s

Versus

1. The State of Bihar
2. Sri Choudhary Son of Late Badho Choudhary R/o Village - Nanarora, P.S. - Nawada, Dist. - Nawada.

... ... Respondent/s

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Appearance :
For the Appellant : Mr. Ajay Kumar, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP
For the Informant : Mr. Devendra Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing for the appellant, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/ Respondent No. 2.

2. This appeal has been filed for setting aside order dated 11.02.2026 passed by the learned Exclusive Special Judge, S.C./S.T., Nawada in connection with A.B.P. No. 326 of 2026 arising out of Nawada Town P.S. Case No. 1303 of 2025 which was registered for the offence punishable under Sections 126(2), 115(2), 109(1) and 3(5) of the B.N.S. and Sections 3(1)(i), 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and

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Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. The prosecution case, in brief, is that on 13.12.2025, this appellant, along with two unknown accused persons, abused informant by caste based slurs and assaulted him due to which he sustained multiple injuries.

4. 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. As a matter of fact, on the alleged date of occurrence, quarrel took place between the parties due to motorcycle accident in which informant sustained some injury and taking advantage of the same, this false case has been lodged with concocted story. Allegation of assault is general and omnibus. 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.

5. On the other hand, learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant and submitted that

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appellant is named in the F.I.R. and there is specific accusation that he abused informant by caste name and assaulted him with *khanti.* Doctor has found the injuries, sustained by the injured, to be grievous in nature. Appellant has got one criminal antecedent.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation, nature of injuries allegedly caused by this appellant and criminal antecedent, 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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