

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1091 of 2025**

Arising Out of PS. Case No.-90 Year-2020 Thana- CIVIL LINE District- Gaya

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1. Md. Babar Quraishi @ Babar Quraishi Son of Shamshad Quraishi Resident of Village/Mohalla- Maruganj, P.S.- Civil Lines, Distt.- Gaya
 2. Md. Shamsher Quraishi @ Sheru Quraishi Son of Shamshad Quraishi Resident of Village/Mohalla- Maruganj, P.S.- Civil Lines, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Jayant Kumar @ Chiku Resident of Village- Mohallah and P.S.- Delha, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 04-06-2026 Heard the learned Advocate for the appellants and the learned Spl. PP for the State through virtual mode.

2. Despite the valid service of notice upon opposite party no. 2, no-one appeared on his behalf.

3. The instant appeal is preferred against the order dated 11.02.2025 passed by the learned Court of Exclusive Special Judge, S.C./S.T., Gaya arising out of Civil Lines P.S. Case No. 90 of 2020, registered for the offences punishable under Sections 323, 341, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes/Scheduled Tribes, Prevention of Atrocities Act, (hereinafter referred to as



‘SC/ST Act’), whereby the prayer for grant of anticipatory bail of the appellants came to be rejected.

4. Allegedly, on the given date and time of occurrence, while the informant was selling water bottle, in the meanwhile, the appellants came there and caught the informant and started abusing and took him to their house and brutally assaulted, due to which he sustained injury over his right eye. It is further alleged that the informant used to milk the cow of the appellants, but they did not give money for the same and when the demand was made, they threatened with dire consequences. The informant is said to be a member of the Scheduled Caste community.

5. Learned Advocate for the appellants taking this Court through the FIR contended that even if the allegation taken to be true for the sake of argument, no case much less under the SC/ST Act is made out. It is additionally submitted that though it is alleged that the informant was assaulted over his head, however, the informant was neither examined by the doctor nor there is any injury report discussed in the impugned order and, as such, it appears the he has not sustained any injury. It is lastly contended that be that as it may, the appellants are men of fair antecedent and there is no independent eyewitness to



the alleged occurrence and so far the witnesses examined by the investigating agency are concerned, they are interested witnesses. All the more, the impugned order suffers from non-consideration of the material facts.

6. On the other hand, learned Spl. P. P. for the State opposes the bail application and submits that there is specific accusation against the appellants of causing assault, knowing very well that the informant belongs to a member of Scheduled Caste community.

7. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the fact that the assault has not been made on account of the reason of the informant being a member of the vulnerable caste and, as such, *prima facie* the penal provisions of the SC/ST Act is not attracted; besides the appellants also carry fair antecedent, this Court finds substance in the appeal, let the appellants, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned learned Court of the Exclusive Special Judge , S.C./S.T., Gaya in connection with Civil Lines P.S. Case No. 90 of 2020, subject to the conditions laid down in Section 482(2) of the



Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the appellants.

8. Accordingly, the impugned order dated 11.02.2025 passed by the learned Court of Exclusive Special Judge, S.C./S.T., Gaya is hereby set-aside and the present appeal stands allowed.

(Harish Kumar, J)

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