

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1057 of 2026

Arising Out of PS. Case No.-61 Year-2025 Thana- SC/ST District- Rohtas

Naraj Kumar @ Niraj Yadav S/O Manoj Yadav R/O Village - Goshaldih, P.S.-
Suryapura, District - Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumant Kumar Son of Jitan Ram R/O Vill.- Goshaldih, P.S.- Suryapura,
District - Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar Vivek, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-07-2026 Heard learned Advocate for the appellant and the

learned Advocate for the State as well as learned Advocate for
respondent no.2.

2. The present appeal has been preferred against the
order dated 15.01.2026 passed in SC/ST P.S. Case No. 61 of
2025 by the learned Special Court SC/ST (Prevention of
Atrocities) Act Sasaram, Rohtas registered under Sections 190,
191(2), 126(2), 115(2), 303(2), 352, 351(2) of the BNS and
Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and
Schedule Tribe (Prevention of Atrocities) Act whereby and
where under the application of the appellant for grant of
anticipatory bail has been rejected.

3. On the given date and time of occurrence, while the



informant along with his brother and nephew had gone for fishing. In the meanwhile, all the accused persons including the appellant armed with lathi and danda came their and threatened the informant and his family members with dire consequences by abusing and taking their caste name. The accused persons also shown their resentment as the informant and others have not cast vote in favor of a specific party. It is specifically alleged that this appellant assaulted the informant over his head due to which he sustained a cut injury, beside there is allegation of snatching of golden locket from informant's neck.

4. Learned Advocate for the appellant submits that the very genesis of the occurrence appears to be a political rivalry, besides a fishing dispute. In fact the present case is nothing, but instituted with mala fide in order to wreck vengeance. So far the allegation of causing assault against the petitioner is concerned, the injury appears to be simple in nature. To support the aforesaid contention, Annexure A/2 has been placed on record. It is further contended that the informant has not disclosed that while such occurrence was taking place there was presence of any other independent persons and, as such, the said occurrence, in the submission of the petitioner, has not taken place in public view.



5. On the other hand, learned Advocate for respondent no. 2 vehemently opposed the prayer of the appellant and submitted that besides the specific allegation of causing assault, Section 18 of the SC/ST Prevention of Atrocities Act clearly bars the anticipatory bail and since there is allegation against the appellant of abusing by taking cast name, the appellant does not deserve any anticipatory bail.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the genesis of the occurrence, coupled with the fact that the intimidation or assault has not taken place only on account of the fact that the informant and his family members belong to a member of vulnerable section of the society; besides the mandate of the Apex Court in the case of ***Hitesh Verma Vs. State of Uttarakhand and Anr.: (2020) 10 SCC 710*** that every intimidation and assault does not attract the penal provisions of the SC/ST Act, if such act has not been done, only due to the reason the victim belongs to the member of SC/ST Act, this Court is inclined to the prayer of the appellant, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned Special Court, SC/ST (PoA) Act, Sasaram at Rohtas in connection with SC/ST P.S. Case No. 61 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellant.

7. In view thereof, the impugned order dated 15.01.2026 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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