

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1392 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. Amresh Paswan S/o Kailash Paswan R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)
2. Upendra Paswan S/o Kailash Paswan R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)
3. Shailesh Paswan S/o Kailash Paswan R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)
4. Om Prakash Paswan S/o Vilash Paswan R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)
5. Uday Paswan S/o Vilash Paswan R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)
6. Kailash Paswan S/o Late Ananch Paswan @ Anahksha Ram R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)
7. Ankit Paswan @ Ankit Kumar S/o Om Prakash Paswan R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)
8. Amit Kumar S/o Om Prakash Paswan R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohini Kumari S/o Suresh Paswan Ram R/o vill - Bajit Nima, P.s. - Rafiganj, Distt. - Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aman Vishal, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 13-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State. Although the notice has been validly served upon respondent No.2, there is no representation on his behalf.

2. This appeal under Section 14A(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 20.02.2024 passed in A.B.P. No.345 of 2024 by learned Special Judge (SC/ST)-cum- 1st Additional District and Sessions Judge, Aurangabad, in connection with Rafiganj P.S. Case No. 487 of 2023 registered under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the I.P.C read with Section 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on 07.11.2023 at around 12:00 noon, all the five named accused persons, including these appellants along with 20–30 unidentified individuals, unlawfully assembled and trespassed upon the plot of land owned and possessed by the informant with the intention of forcibly taking over its possession. When the informant raised objection to such illegal act, she and others were allegedly assaulted by the accused persons. During the course of the assault, co-accused Raj Kumar Sao is alleged to have forcefully slammed one Hiramani Devi onto the ground and also abused by caste name, in the meantime, Amresh Paswan (appellant no. 1) and Ankit Paswan (appellant no. 7) assaulted



by means of iron rod upon Hiramani Devi due to which she sustained injuries. Thereafter, Shailesh Paswan (appellant no. 3) took away gold ornaments from informant.

4. Learned counsel appearing for the appellants submits that the appellants bear clean antecedent and are innocent. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the appellants. It is next submitted that there is no specific allegation of assault against the appellant nos. 2, 3, 4, 5, 6 and 8. Although appellant nos. 1 and 7 are stated to have specifically assaulted Hiramani Devi but no injury report has been brought on record to substantiate the alleged injuries. It is also submitted that the appellant side has filed an FIR bearing Rafiganj P.S. Case No. 484 of 2023 and it is submitted at bar that appellant no. 1, namely, Amresh Paswan has received gun shot injury and in retaliation of the same the present FIR has been lodged. Moreover, the co-accused, namely, Lallu Paswan and Mahendra Paswan have already been granted the privilege of anticipatory bail by co-ordinate Bench of this Court in Cr. Appeal (S.J.) No. 1271 of 2024 vide order dated 12.12.2025 and the case of the appellants is similar to that of the aforesaid co-accused.

5. It has further been submitted that 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. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellants. 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 has vehemently opposed the prayer for grant of anticipatory bail to the appellants.

7. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that the co-accused persons have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court, 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 learned Special Judge (SC/ST)-cum- 1st Additional District and Sessions Judge, Aurangabad, in connection with Rafiganj P.S. Case No. 487 of



2023, 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, this appeal is allowed and the impugned order dated 20.02.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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