

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1205 of 2025

Arising Out of PS. Case No.-383 Year-2024 Thana- GURUA District- Gaya

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1. Raj Kumar Mistri @ Raj Kumar @ Raj Kumar Vishvakarma Son of Harihar Mistri Village- Paluhara PS -Gurua Dist -Gaya
 2. Vasant Mistri @ Vasant Vishvakarma son of Harihar Mistri Village- Paluhara PS -Gurua Dist -Gaya
 3. Arun Mistri @ Arun Vishvakarma @ Arun Vishwakarma Son of Raj Kumar Mistri Village- Paluhara PS -Gurua Dist -Gaya
 4. Tarun Mistri @ Tarun Vishwakarma son of Raj Kumar Mistri Village- Paluhara PS -Gurua Dist -Gaya
 5. Ujwal Mistri @ Ujwal Vishwakarma son of Raj Kumar Mistri Village- Paluhara PS -Gurua Dist -Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramlakhan Paswan Son of Late Hari Paswan Village- Paluhara PS -Gurua Dist -Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Kumar
For the Respondent/s	:	Mr.Binay Krishna
		Mr.Md. Javed Jafar Khan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-01-2026 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 10.02.2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with ABP No.410 of 2024 arising out of Gurua P. S. Case No.383 of 2024, instituted for the offences under Sections 127(2), 115(1), 117, 109, 74, 303(2),



3(5) of the B.N.S. and Sections 3(1)(s),3(1)(r) and 3(1) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that he was in his field on 22.11.2024 when seven named accused persons including the appellants came and started abusing by taking caste name. On protest, Raj Kumar abused by caste name and the accused persons also assaulted on the pretext that informant was cutting the crop without their permission and when his wife and daughter in-law came, the accused assaulted them and snatched Pinky's chain.

4. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that that on account of dispute relating to cutting of crop, the occurrence is alleged to have taken place. It is also submitted that allegation of abuse and assault is not specific, but then, the informant alleges that when he objected, Raj Kumar abused by taking caste name. It is next submitted that even



presuming what has been alleged is true without admitting, then on account of dispute relating to cutting of crop, the occurrence took place and in the heat of the moment, the accused Raj Kumar may have uttered some words with regard to caste name, but then, the same was not done with an intent to humiliate. It is also submitted that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

5. The special P. P. as well as learned counsel appearing on behalf of the informant opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that on account of dispute relating to cutting of crop, the occurrence is alleged to have taken place and that Raj Kumar may have abused in the heat of the moment without any intent to humiliate the informant.

6. Regard being had to the aforesaid submissions, the order dated 10.02.2025 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees



Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with ABP No.410 of 2024 arising out of Gurua P. S. Case No.383 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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