

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1136 of 2026

Arising Out of PS. Case No.-29 Year-2025 Thana- SC/ST District- Gaya

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1. Bijay Kumar @ Bijay Prasad S/o Rameshwar Mahto
2. Arun Kumar S/o Jagdish Matho
3. Rajesh Prasad @ Rajesh Kumar S/o Dasrath Mahto
All are R/o Village - Kalaua Khurd, P.S - Barachatti, District - Gaya
... .. Appellants
- Versus
1. The State of Bihar
2. Reshmi Devi W/o Umesh Chaudhary R/o Village - Kalaua Khurd, P.S - Barachatti, District - Gaya
... .. Respondents
-

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Sinha, Advocate
	:	Mr. Anil Kumar Sinha, Advocate
For the Informant	:	Mrs. Kusum Kumari, Advocate
For the Respondent/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-07-2026 Heard learned counsel appearing for the appellants
and learned Special Public Prosecutor for the State.

2. All above-named appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') for setting aside the impugned order dated 21.02.2026 passed by the learned Exclusive Special Judge, SC/ST, Gaya Ji in connection with SC/ST P.S. Case No.29 of 2025.

3. Present appeal is well within limitation as prescribed



under Section 14A(3) of the Act.

4. Accused/appellants are named in the FIR and apprehending their arrest in connection with SC/ST P.S. Case No.29 of 2025 registered for the offences punishable under Sections 126, 115(2), 74, 352, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(i)(r)((s)(w) and 3(2)(v-a) of the SC/ST (POA) Act.

5. Allegation against the appellants is to assault the family members of the informant and also abuse them in their caste name, where the occurrence alleged to be taken place in the background of previous enmities.

6. It is submitted by learned counsel appearing for the appellants that the allegation of assault is appearing very much general and omnibus in nature. It is further submitted that even no weapons was alleged to use for assault during the occurrence and also no injury was received by anyone during the occurrence. It is further submitted that the abuse in caste name as alleged *prima facie* not appears to be made in public view. While concluding the argument, it is



submitted that all appellants claimed clean antecedent.

7. Learned Spl. PP opposes the prayer of bail.

8. Learned counsel appearing for the informant, Mrs. Kusum Kumari, while opposing the prayer of bail submitted that the appellants actively participated during the occurrence and abuse the informant by caste name.

9. In view of aforesaid factual submissions and by taking note of fact, as the allegations *qua* physical assault is appearing very much general and omnibus in nature, where abuse in caste name *prima facie* not appears to be made in public view, accordingly, all above-named appellants, in the event of their arrest or surrender before the court below within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya Ji in connection with SC/ST P.S. Case No.29 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bharatiya Nagarik



Suraksha Sanhita, 2023 (in short 'BNSS').

10. Accordingly, the impugned order dated 21.02.2026 as passed by learned Exclusive Special Judge, SC/ST, Gaya Ji is set aside.

11. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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