

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1181 of 2026

Arising Out of PS. Case No.-111 Year-2025 Thana- SC/ST District- East Champaran

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1. Hemnarayan jha @ Hemendra Narain Jha @ Hemendra Narayan Jha Son of Malik Ojha
 2. Sonu Kumar @Sonu Kumar Jha Son of Santosh Jha @ Santosh Kumar Jha
 3. Santosh Jha @ Santosh Kumar Jha Son of Hemnarayan Jha @ Hemendra Narain Jha @ Hemendra Narayan Jha
- All are Resident of Village-Padumker, P.S.- Patahi, District- East Champaran, Motihari.

... .. Appellants

Versus

1. The State of Bihar
2. Vinod Paswan Son of Shankar Paswan Resident of Village - Padumker, P.S.- Patahi, District- East Champaran.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Singh, Advocate
For the Informant	:	Mr. Amit Kumar Maharaj, Advocate
	:	Mr. Bhubneshwar Mahto, Advocate
	:	Ms. Srishti, Advocate
For the Respondent/s	:	Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 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 07.02.2026 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, East Champaran at Motihari in



connection with Motihari SC/ST P.S. Case No.111 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 Motihari SC/ST P.S. Case No.111 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 74, 303(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(i)(r)(s) and 3(2)(v-a) of the SC/ST (POA) Act.

5. As per FIR, co-accused persons including appellants alleged to assault informant and others and also to snatch Rs. 15000/- from informant and further to abuse him in his caste name.

6. It is submitted by learned counsel appearing for the appellants that due to previous enmities, the present false case was lodged. It is pointed out that the informant and his family members assaulted the appellants on first instance for which a complaint case was lodged on 02.11.2025 which was registered as Complaint Case no.2943 of 2025 and in



retaliation of the same for imaginary date of occurrence i.e., 30.10.2025, on 23.12.2025 i.e., almost about 52 days, the present FIR was lodged due to oblique motive. It is further submitted that there is no just explanations for the aforesaid delay. While concluding argument, it is submitted that the allegation *qua* abusing in caste name *prima facie* not appears to be made in public view. Moreover, appellant no.2 is a man of clean antecedent, whereas appellant no.1 and 3 found involved in one more criminal case, where they are on bail.

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

8. Learned counsel appearing for the informant, Ms. Srishti, while opposing the prayer of bail could not disputed the delay of 52 days for lodging the present FIR.

9. In view of aforesaid factual submissions and by taking note of fact, as the present FIR was lodged with a delay of 52 days, where the allegations of abusing in caste name *prima facie* not appears to be made in public view, accordingly, all appellants, above-named, 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 (POA) Act, East Champaran at Motihari in connection with Motihari SC/ST P.S. Case No.111 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 07.02.2026 as passed by learned Exclusive Special Judge, SC/ST(POA) Act, East Champaran at Motihari is set aside.

11. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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