

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1334 of 2025

Arising Out of PS. Case No.-661 Year-2024 Thana- GAYA MUFASIL District- Gaya

1. Amit Kumar @ Kartikey Jee S/O Late Shankar Prasad Gupta @ Shanker Prasad @ Late Shankar Gupta R/O Mohalla- Sidharth Puri Colony Road No.-1, Manpur, P.S- Muffasil, Distt.- Gaya.
2. Mohan Kumar S/O Late Shankar Prasad Gupta @ Shankar Prasad @ Late Shankar Gupta R/O Mohalla- Sidharth Puri Colony Road No.-1, Manpur, P.S- Muffasil, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meghnath Prasad S/O Late Aandhi Ram R/O Mohalla- Sidharthpuri Colony, Road No.-1, Manpur, P.S- Muffasil, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Mohan Das, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-05-2026 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. No one appears on behalf of the informant.

3. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 04.10.2024 in A.B.P. No. 310 of 2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Gaya Mufassil P.S. Case No. 661 of 2024 registered under Sections 448, 341, 323, 427, 504 and 506/34 of the Indian Penal



Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

4. Learned counsel appearing on behalf of the appellants submits that appellants have antecedent of one case under the Excise Act and the informant alleges that on 12.03.2024 his house was under construction when his neighbours Amit (appellant no. 1) and Mohan (appellant no. 2) entered the third floor of the house through window and assaulted a worker by butt of a pistol on his temple causing injury and when the informant intervene to pacify both Amit and Mohan abused by caste name and Amit also threw the mobile of his son and also abused his wife by taking caste name.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that date of occurrence is 12.03.2024 and the FIR came to be instituted on 03.08.2024, i.e., after a delay of more than five months. It is next submitted that even presuming what has been alleged is true without admitting then no offence under the SC/ST Act is made out as the entire occurrence is alleged to have taken place at the house of the informant and, thus, was not in public view.

6. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellants.



7. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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