

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1690 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- KHANPURA District- Samastipur

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1. Ramlal Yadav @ Ramlal Roy Son of Tiro Roy @ Tiro Ray Resident of Village- Chamarbadha, Ward No. 05, Police Station- Khanpur, Dist.- Samastipur
 2. Ganesh Roy Son of Tiro Roy @ Tiro Ray Resident of Village- Chamarbadha, Ward No. 05, Police Station- Khanpur, Dist.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Raj Kumar Paswan Son of Bharat Paswan Resident of Village- Chamarbadha, Ward No. 05, Police Station- Khanpur, Dist.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shekhar Harshvardhan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

6 12-02-2026 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor appearing for the State.

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 08.02.2024 passed by learned Special Judge, SC/ST (PoA) Act, Samastipur, in ABP no. 423 of 2024 arising out of Khanpur P.S. Case No. 212 of 2023 registered under Sections 341, 323, 307, 354B, 379, 504 and 506 of the Indian Penal Code read with Sections 3(1)(r)(s) of 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, informant alleged that while he along with his friends were playing cricket, in the meantime, the appellants along with other co-accused persons came there and asked the informant to include them in his team, on refusal, the appellant No.2 (Ganesh Rai) and the co-accused persons, Kamlesh Kumar and Manoj Rai started abusing the informant by taking his caste name, which led to altercation, thereafter, co-accused persons Prabhat Kumar and Sanjay Rai assaulted him badly, the co-accused persons Manoj Rai, Ranjeet Rai and Sachin Kumar urinated on the informant's body. Thereafter, nearby people came there and pacified the matter. On the same day at about 08:00 PM, co-accused Prabhat Kumar along with other accused persons came at the door of the informant and started abusing the informant by taking caste name, when the informant's mother and sister came and tried to make them understand, co-accused Sachin Kumar assaulted the informant's cousin sister namely, Golu Kumari and broke her teeth and he assaulted his sister, namely Prince Kumari on her eyes, as a result of which she injured. All the accused persons holding lathi and danda on his hand, hit the clay tiled roof of his house, on which one Banke Paswan opposed, the co-accused



Manoj Rai threw his father on the ground due to which he became unconscious. On hulla, the villagers came there, then all the accused persons fled away threatening the informant that if he lodged a case, then they would kill him and his family.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. It is also submitted that there is case and counter-case between the parties. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the appellants. Learned counsel has further submitted that no particular caste name has been called by the appellants, hence no case is made out under section SC/ST Act. It is further submitted that there is no specific allegation of assault against the appellants. The co-accused person has been granted the privilege of anticipatory bail by the Co-ordinate Bench of this Court vide order dated 13.11.2025 passed in Cr. Appeal (SJ) No. 916 of 2024. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the appellants and



submitted that the appellants are actively involved in the present occurrence.

6. 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, having more or less similar allegation, has 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 (PoA) Act, Samastipur, in connection with Khanpur P.S. Case No. 212 of 2023 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 08.02.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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