

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1509 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- SHERGHATI District- Gaya

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1. Vishwanath Kumar Singh @ Vishwanath Kumar @ Chotu Singh @ Chotu Kumar @ Weepy Kumar S/o Sudama Singh R/o vill - B.T. Bigha, P.s.- Sherghati, Distt.- Gaya
 2. Shivam Kumar Singh @ Shivam Kumar S/o Sudama Singh R/o vill - B.T. Bigha, P.s.- Sherghati, Distt.- Gaya
 3. Rishi Kumar @ Rishi Kumar Singh S/o Late Pawan Kumar Singh R/o vill - B.T. Bigha, P.s.- Sherghati, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Nandan Kumar S/o Ramji Paswan R/o vill - Nawada, Post - B. T. Bigha, P.s. - Sherghati, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-02-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms. Usha Kumari 1.

2. 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 19.03.2025 in A.B.P. No. 68 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act,



Gaya in connection with Sherghati P.S. Case No. 45 of 2025 registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 303(2), 127(2), 351(2) and 352 of the BNS, 2023 as well as Sections 3(i) (r) (s) and 3(2) (va) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 27.01.2026, it would manifest that the notice has been validly served upon the respondent no. 2, but then the respondent no. 2 despite receiving notice chooses not to appear and contest. It is next submitted that appellants are persons with clean antecedent and the informant alleges that on 26.01.2025 at 04:00 PM, he was going to village, Dhamaniya when he was intercepted by the appellants along with 5 unknown accused and they abused him by taking caste name on the pretext that why he was going through their village, on objection, Shivnath assaulted by rod causing injury on head, while Shivam snatched his chain and Rishi tried to strangulate him by wrapping muffler around his neck.

4. Learned counsel for 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 allegation of abuse is general and omnibus in nature. It is next submitted that though it is alleged that Shivnath @ Vishwanath assaulted the informant on head by rod causing injury, but then no such injury was caused. It is also submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest. It is further submitted that as far as allegation against appellant nos. 2 and 3 is concerned, the same is general, omnibus and ornamental in nature.

5. Learned Spl. P.P. for the State opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 19.03.2025 in A.B.P. No. 68 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Sherghati P.S. Case No. 45 of 2025, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of



the learned court below where the case is pending/successor court in connection with Sherghati P.S. Case No. 45 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

8. Pending application(s), if any, shall also stand disposed of.

(Satyavrat Verma, J)

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