

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1598 of 2025

Arising Out of PS. Case No.-59 Year-2024 Thana- SC/ST District- Gaya

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1. Mithilesh Kumar Yadav @ Mithilesh Yadav Son of Late Durga Yadav Village- Kolharua, P.s- Bodhgaya Gaya, District -Gaya
 2. Sima Devi Wife of Mithilesh Yadav @ Mithilesh Kumar Yadav Village- Kolharua, P.s- Bodhgaya Gaya, District -Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushma Devi Wife of Banwari Paswan Village- Kolharua, Po- Padariya, P.s- Bodhgaya Gaya, District -Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brijmohan Das, Advocate
For the State	:	Mr. Sadanand Paswan, Spl PP
For the Respondent No. 2	:	Md. Javed Jafar Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

6 13-02-2026 Heard learned counsel for the appellants, learned counsel for the Respondent No. 2 as well as learned Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 20.03.2025 passed by learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 70 of 2025 in connection with SC/ST P.S. Case No. 59 of 2024, registered under Sections 126(2), 115(2), 351(2), 352 and 3(5) of the B.N.S read with Section 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribe



(Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 11.11.2024 at about 6:00 P.M., Mithilesh Yadav (appellant no. 1) blocked public path by dropping an electric pole in front of the door of Sushma Devi's (informant) house, causing commuting difficulties for her family. Thereafter, when the informant began filling area with soil to restore the access, at that moment, the appellants along with their associates arrived and started assaulting the informant by means of lathi and danda and hurled caste-based slurs at her and Aman Kumar (son of Mithilesh Yadav) threatened to kill the informant and her family members. Accordingly, the FIR has been lodged.

4. Learned counsel appearing for the appellants submits that the appellants bear clean antecedent and are innocent. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation levelled against the appellants and nothing specific has been alleged against them. It is further submitted that there is a delay of 12 days in lodging the FIR without giving any plausible explanation for the same. No injury report has been brought on record to substantiate the alleged injuries. As regards allegation of abuse with the caste



name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellants. 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 as well as learned counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the entire facts and circumstances of the case and the fact that the appellants bear clean antecedent and the allegation does not seem to have been committed within public view, 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 the learned Exclusive Special Judge, SC/ST, Gaya, in connection with SC/ST P.S. Case No. 59 of 2024, subject to the conditions laid down under Section 482(2) of the



B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 20.03.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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