

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1903 of 2025

Arising Out of PS. Case No.-79 Year-2023 Thana- SC/ST District- Lakhisarai

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Gope Khan @ Gop Khan @ Md. Sabir Son of Khnu Mian @ Md. Khalil
Miya Resident of Village - Surajgarha, Purani Bazar, P.O.- Surajgarha, P.S.-
Surajgarha, District - Lakhisarai 811106.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Devi W/O Karu Paswan R/O Vill Surajgarha, Purani Bazar P.O
Surajgarha, P.S Surajgarha Dist Lakhisarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramesh Kumar Choudhary, Advocate.
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-02-2026 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Sadanand Paswan.

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 28.03.2025 in A.B.P. No. 1314/2024 passed by the
learned District and Additional Sessions Judge-I-cum-Special
Judge, SC/ST Act, Lakhisarai, in connection with SC/ST
Lakhisarai P.S. Case No.79/2023, registered under Sections 147,
149, 341, 323, 448, 354(b), 504 and 506 of the Indian Penal
Code as well as Sections 3(1)(r)(s)/3(2)(va) of the SC/ST (POA)



Act.

3. Learned counsel for the appellant submits that from perusal of the office report dated 12.11.2025, it would manifest that the notice has been validly served on the respondent no.2 but then the respondent no.2 despite receiving notice chooses not to appear and contest. It is next submitted that appellant is a person with clean antecedent and the informant alleges that 20.12.2023 at 4.30 P.M., 10 named accused persons including the appellant came to her house and tore her blouse and abused by taking caste name and also said that she resides in Pathantola and opposes and threatened that if she continues opposing them then she will be set ablaze.

4. Learned counsel for the appellant submits that appellant has 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 and assault is general and omnibus in nature. It is also submitted that though informant alleges that accused persons came to threaten her as she was opposing them but then the FIR does not even remotely suggest that as what was the issue which led to the occurrence which also casts an aspersion on the case of the prosecution.



5. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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