

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1979 of 2025

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKARPUR District- West Champaran

Ravi Patel @ Ranjeet Kumar S/O Binod Patel R/O Vill.- Sihpur, P.s.- Sathi,
Dist.- West Champaran. At Present R/O Vill.- Chargaha Ward no. 3, P.s.-
Bettiah Mufassil, Dist.- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Baitha S/O Chandrev Baitha R/O Vill.- Takiya Ward no. 1, P.s.-
Shikarpur, Dist.- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 13-02-2026 Heard learned counsel for the appellant and learned

Special Public Prosecutor appearing for the State. Although the
notice has been validly served upon respondent No.2, there is no
representation on his behalf.

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
21.04.2025 passed by learned District and Additional Sessions
Judge-1st-cum-Special Judge (SC/ST), Bettiah at West
Champaran, in A.B.P. No. 647 of 2025 in connection with
Shikarpur P.S. Case No. 249 of 2022, registered under Sections
341, 323, 307, 504, 325, 354/34 of the I.P.C. 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 appellant has been rejected.

3. As per the prosecution case, on 22.03.2022 at about 5:45 P.M., when the informant, namely, Ajay Kumar Baitha was returning home from school, he saw Prince Kumar capturing inappropriate photos of her daughters and on being objected by the informant, the accused began hurling caste based abuses at him; shortly after, the co-accused Manish Kumar Patel arrived and hit the head of informant by means of iron rod due to which he sustained head injury. When Sumit Rai came to rescue him, the co-accused Neeraj Kumar and Manish Kumar Patel assaulted him with an iron rod. Thereafter, when Sanjay Baitha and Kedar Patel came to rescue him, the appellant along with twenty-four persons assaulted them by means of lathi, danda and iron rod due to which all of them got injured and fell unconscious. On *hulla*, the villagers arrived, therefore, all the accused persons left the place by leaving their motorcycles.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and is innocent. It has further been submitted that allegedly, the FIR



named accused persons including the appellant hurled abuses and assaulted the informant's side by means of various weapons, however, no such occurrence has ever taken place in the manner it is alleged. It has also been submitted that the allegation is very much general and omnibus in nature and the same appears specific against the co-accused Prince Kumar and moreover, nobody has sustained any grievous injuries during the occurrence. Moreover, the co-accused, namely, Kanhaiya Kumar Patel has already been granted the privilege of anticipatory bail by co-ordinate Benches of this Court in Cr. Appeal (S.J.) No. 1726 of 2023 vide order dated 23.08.2024 and the case of the appellant is similar to that of the aforesaid co-accused. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellant. Hence, the impugned order may be set aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent coupled with the fact that there is general and



omnibus allegation against the appellant and the co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, let the above named appellant in the event of his arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Bettiah at West Champaran in connection with Shikarpur P.S. Case No. 249 of 2022, 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 21.04.2025 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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