

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1973 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- SALAIYA District- Aurangabad

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1. Jai Nandan Pal @ Jai Nandan Prasad S/O Late Ram Pati Lal R/O Village-Pirwan,PS-Salaiya, Distt-Aurangabad
 2. Vinay Pal @ Vinay Bhagat S/O Late Ram Pati Lal R/O Village-Pirwan,PS-Salaiya, Distt-Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Jaggu Bhuiyan S/O Late Moti Bhuiyan R/O Village and post-Pirwan,PS-Salaiya, Distt-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 13-02-2026 Heard learned counsel for the appellants 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 30.04.2025 passed by learned District and Additional Sessions Judge-1st-cum- Special Judge (SC/ST, N.D.P.S. and Children Act), Aurangabad, in A.B.P. No. 648 of 2025 in connection with Salaiya P.S. Case No. 22 of 2025, registered under Sections



292, 110, 352 and 3(5) of the B.N.S read with Section 3(1), 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the informant, Jaggu Bhuiyan, has alleged that on 20.02.2025 his minor daughter, Jyoti Kumari, aged about 10 years, had gone to attend classes at Shama Bigha School. During school hours, she went outside the school premises and came into contact with a live electric wire installed in the field of the appellants for irrigation purposes, whereupon she suffered an electric shock and became unconscious and she was taken to the hospital for treatment. It is further alleged that the appellants were irrigating their field by drawing illegal electricity from the pole outside the school and when the villagers objected to the illegal connection then the appellants started hurling caste-based slurs at the informant and threatened him with dire consequences.

4. Learned counsel appearing for the appellants submits that the appellants bear clean antecedent and are innocent. It is further submitted that there is a delay of three days in lodging the FIR without giving any plausible explanation for the same. It has further been submitted 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. 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 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 appear to be 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 District and Additional Sessions Judge-1st-cum- Special Judge (SC/ST,



N.D.P.S. and Children Act), Aurangabad in connection with Salaiya P.S. Case No. 22 of 2025, 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 30.04.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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