

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1975 of 2025

Arising Out of PS. Case No.-772 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Danish @ Danish Ali @ Md. Danish Ali S/o Late Altaf Hussain @ Late Md.
Altaf Hussain R/o Village- Chhawani Muhalla, ward no 8, Bhabua, PS-
Bhabua, District- Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Shaktiman S/o Ramji Pasi R/o Village- Bhabua, ward no. 7, PS- Bhabua,
District- Kaimur at Bhabua, Pin Code- 821101

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Parwej Khan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 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

02.05.2025 passed by learned District and Additional Sessions

Judge-1st-cum-Special Judge, Kaimur at Bhabua, in A.B.P. No.

725 of 2025 in connection with Bhabua P.S. Case No. 772 of

2024, registered under Sections 126(2), 115(2), 109 and 3(5) of

the B.N.S read with Section 3(1)(r)(s) and 3(1)(v) 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, the informant, namely, Shaktiman Pasi, was going to work on a motorcycle with his two friends, Sagar and Munna. When they reached near the Dev Ji Temple, the appellant along with co-accused persons, namely Lucky Patel, Rishu Pandey, Nitish Kumar, Bandal Pandey, Vishal and Samar as well as 8-10 unknown person intercepted the informant and started assaulting the informant by means of stick due to which the informant sustained head injury and hurling caste-based slurs at him. The reason for the conflict was that few days ago, the accused Rishu Pandey had taken mobile phone of the informant's brother and when the informant approached him to request the return of the device, he refused, leading to this incident.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and is innocent. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation levelled against the appellant and nothing specific has been alleged against him. It has further been submitted that altogether four injuries have



been sustained by the informant and all injuries are simple in nature. 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 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 no specific allegation against the appellant and the injuries which were sustained by the informant are simple in nature, 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, Kaimur at Bhabua, in connection with Bhabua P.S. Case No. 772 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 02.05.2025 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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