

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2680 of 2024**

Arising Out of PS. Case No.-7 Year-2020 Thana- SC/ST District-
Aurangabad

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1. Nitish Kumar S/o Anil Singh R/o vill - Asha Bigha, P.S. - Rafiganj, Distt. - Aurangabad (Bihar)
 2. Saurabh Kumar @ Saurabh Kumar Singh @ Saurav Kumar @ Saurav Kumar Singh S/o Bablu Singh @ Vikash Kumar Singh R/o vill - Asha Bigha, P.S. - Rafiganj, Distt. - Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dheeraj Kumar S/o Rajaram Paswan R/o vill - Balwant Bigha, P.S. - Rafiganj, Distt. - Aurangabad (Bihar)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Aman Vishal, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 04-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State and also learned counsel for the respondent No2.

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 08.05.2024 passed by learned Special Judge, Aurangabad in A.B.P. No. 799 of 2024 in connection with Aurangabad SC/ST P.S. Case No. 07 of 2020 registered under Sections 341, 323, 325, 504 and 506 of the Indian



Penal Code read with Section 3(1)(r), 3(1)(s), 3(2)(va) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, informant, namely, Dheeraj Kumar alleged that on 22.02.2020 at around 1:00 P.M., while he was returning from St. Xavier's High School meantime, all the accused persons came there and abused him by caste name and assaulted by means of lathi and hockey stick and also threatened to kill him.

4. Learned counsel appearing for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the accused persons including these appellants. Although there is allegation of assault in the F.I.R. against the appellants, but no injury report is available on record to substantiate the allegation as alleged in the F.I.R. 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. Moreover, the co-accused, namely, Ranjan Kumar, has already been granted the benefit of anticipatory bail by a co-ordinate Bench of this Court in Cr. Appeal (S.J.) No. 2649 of 2024 and the case of the appellants are similar to that of the co-accused. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor as well as learned counsel for the respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that appellants are actively involved in the present occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that the co-accused, having more or less similar allegation, has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, 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 Special Judge (SC/ST) -cum-1st Additional District and Sessions Judge, Aurangabad in connection with Aurangabad SC/ST P.S. Case No. 07 of 2020 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 08.05.2024 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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