

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2408 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- SC/ST District- Patna

Gaurav Kumar S/o- Munna Prasad Village- Koiribigha P.S- Jainpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi W/o- Rajdev Mochi R/o- Koiribigha Ps- Janipur Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Priyanka Singh, Adv.
	:	Mr. Harsh Kumar, Adv.
For the Respondent/s	:	Mr. Nawal Kishore Pd., App.
For the O.P. No. 2	:	Mr. Gajendra Kumar, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 23-02-2026 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.

2. An order, dated 28.05.2025, passed by learned Exclusive Special Judge, SC/ST Act, (Sadar) Patna, in ABP No. 2050 of 2025, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with SC/ST Police Station Case No. 22 of 2025 registered for the offence punishable under Sections 191(2), 190, 115(2), 74, 303(2), 352, 351(2), 351(3) of the BNS, 2023 and Section 3 (1)



(r)(s)/3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the FIR, on 30.03.2025, in the morning, the son of the informant was present near the house of one Ashok Mochi in the village. After some time, appellant along with other accused persons arrived there and were abusing the villagers by using caste-based slurs. The informant's son was taking photographs from his mobile in order to keep the evidence. The co-accused/Anchal Kumar, snatched mobile of the informant's son, abused him and when her son resisted, the FIR named accused, including the appellant, assaulted him by legs, fists, etc. When the informant rushed to the spot in order to save her son, she was also pulled down on the ground and was assaulted.

4. Learned counsel for the appellant submits that he has falsely been implicated in this case due to village politics. There is no allegation against the appellant that he abused the informant or her son by their caste name. General and omnibus allegation has been made against the appellant. The mobile was snatched by the co-accuse Anchal Kumar and not by the appellant. No serious injury has been caused to the informant or her son.



5. Learned counsel for the O.P. No. 2/informant submits that appellant is named in the FIR and as per his instruction, the cognizance has been taken.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that there is no specific allegation against the appellant that he abused the informant or her son by their caste name, the order of cognizance has not been brought on record, I am inclined to grant the appellant privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated 28.05.2025, passed by learned Exclusive Special Judge, SC/ST Act, (Sadar) Patna, in ABP No. 2050 of 2025, is set aside.

8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four 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 learned Exclusive Special Judge, SC/ST Act, (Sadar) Patna, in connection with SC/ST Police Station Case No. 22 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section



482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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