

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2456 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- HASPURA District- Aurangabad

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1. Ajeet Kumar S/o Kedar Singh Resident of Village- Tetrahi, P.S. Haspura, District- Aurangabad
 2. Manoj Singh @ Manoj Kumar S/o Kedar Singh Resident of Village- Tetrahi, P.S. Haspura, District- Aurangabad
 3. Sujeet Kumar S/o Kedar Singh Resident of Village- Tetrahi, P.S. Haspura, District- Aurangabad
 4. Rajesh Kumar @ Rajesh Yadav S/o Naresh Singh Resident of Village- Tetrahi, P.S. Haspura, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Kumar S/o Mahendra Paswan Resident of Village- Tetrahi Tola Ammabigha, P.S. Haspura, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 25-02-2026 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 29.05.2025 passed by learned A.D.J.-1st-cum-Spl Judge (SC/ST N.D.P.S. and Children Act), Aurangabad in A.B.P. No. 918 of



2025 in connection with Haspura P.S. Case No. 76 of 2025, registered under Sections 126(2), 115(2), 117(2), 109(1), 74, 303(2) and 3(5) of the B.N.S. read with Sections 3(1)(r)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (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, on 15.03.2025, the informant, namely, Chandan Kumar, was sitting at his door. All the accused persons including these appellants were singing holi songs and dancing under the influence of alcohol on the D.J. In the meantime, the appellants and the other co-accused came and took his younger brother (Rahul Kumar) and persuaded him to dance with them, who refused, but they took him forcibly to their group. After some time, when the informant went to call his younger brother, he saw that accused persons were assaulting his brother at the door of Manoj Singh (appellant no. 2) and when the informant tried to pacify the situation, all the accused persons started hurling caste based slurs at him and Ajit Kumar (appellant no. 1) assaulted Rahul Kumar on his head by means of iron rod due to which he sustained severe head injury. When Nitish Kumar and Tuni Devi intervened to rescue them, then Sambhu Kumar assaulted Nitish Kumar due to which he



sustained grievous head injuries and accused Shubham Kumar also beaten Tuni Devi and snatched a gold chain from her worth Rs. 60,000/-. Thereafter, Rahul kumar was taken to Magadh Medical, Gaya for treatment.

4. Learned counsel appearing for the appellants submits that the appellants bear clean antecedent and are innocent. Although there is allegation of assault in the F.I.R. against the appellants, but as appears from the case diary, which is on record, no injury report was produced to substantiate the said allegation. It has further been submitted that there is a case and counter case between the parties. 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. 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 appellant.

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 there is no injury report available on record to substantiate the said allegation 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 A.D.J.- 1st-cum-Spl Judge (SC/ST N.D.P.S. and Children Act), Aurangabad, in connection with Haspura P.S. Case No. 76 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 29.05.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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