

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2513 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- CHANAN District- Lakhisarai

-
1. Dilip Kumar Modi @ Dilip Prasad Gupta son of Kishori Modi @ Kishori Prasad Gupta Resident of Village- Mananpur Bazar, P.S.- Chanan, District- Lakhisarai
 2. Guddu Kumar son of Dilip Kumar Modi @ Dilip Prasad Gupta Resident of Village- Mananpur Bazar, P.S.- Chanan, District- Lakhisarai
 3. Ravi Kumar Son of Dilip Kumar Modi @ Dilip Prasad Gupta Resident of Village- Mananpur Bazar, P.S.- Chanan, District- Lakhisarai
 4. Lucky Devi @ Lakhi Devi Wife of Dilip Kumar Modi @ Dilip Prasad Gupta Resident of Village- Mananpur Bazar, P.S.- Chanan, District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumitra Devi Wife of Naresh Rajak Resident of Village- Mananpur Bazar, Po- Mananpur, P.S.- Chanan, District- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramchandra Singh, Advocate
For the Respondent No. 2	:	Mr. Mrityunjay Kumar, Advocate
		Ms. Rupa Sinha, Advocate
		Ms. Vandna Rani, Advocate
For the State	:	Mr. Sadanand Paswan, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 26-02-2026 Heard learned counsel for the appellants, learned counsel for the Respondent no. 2 and learned Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 13.06.2025 passed by learned District and Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Lakhisarai, in A.B.P. No.



592 of 2025 in connection with Chanan P.S. Case No. 56 of 2025, registered under Sections 126(2), 115(2), 352, 351(2) 303(2), 3(5) and 74 of the B.N.S read with Sections 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, was added, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on 12.05.2024 at about 12:00 P.M., Ranjit rajak (son of the informant) was transporting goods/items of Bunty Kumar Gupta on a cart. When he parked his cart in front of the shop of Dilip Kumar Modi (appellant no. 1) to unload the goods, appellant no. 1 hurled caste-based slurs at him and Guddu Kumar (appellant no. 2) pulled the neck of her son by *gamcha* with a view to kill him and Ravi Kumar (appellant no. 3) assaulted him by means of lathi and the gold locket worth Rs. 50,000/- was snatched by Lucky Devi (appellant no. 4) from his neck. When the informant, Sumitra Devi, came to rescue her son, then all the accused persons also assaulted her and tore her cloth and tried to outrage her modesty. Thereafter, when Ravi Kumar Rajak (nephew of the informant) intervened, then all accused persons also assaulted him and hurled caste-based slurs at him.

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 two days in lodging the FIR without giving any plausible explanation for the same. It has also been submitted that the present case is the counterblast of Chanan P.S. Case No. 54 of 2025, which has been instituted by the appellant no. 4 (Lucky Devi) against the son of the informant. 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 and learned counsel for the Respondent no. 2 have 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 coupled with the fact that there is a delay of two days in lodging the present FIR and the allegation of abuse by caste name 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, Lakhisarai, in connection with Chanan P.S. Case No. 56 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 13.06.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

Jyoti/-

U		T	
---	--	---	--

