

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3816 of 2023**

Arising Out of PS. Case No.-617 Year-2022 Thana- MASAUDHI District- Patna

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1. NIRAJ KUMAR @ NEERAJ KUMAR S/O BISHWANATH PRASAD KESHRI R/O VILLAGE- PURANI BAZAR, MASAUHRI, PS. MASAUHRI, DIST. PATNA
 2. GAURAV KUMAR S/O OM PRAKASH KESHRI R/O VILLAGE- PURANI BAZAR, MASAUHRI, PS. MASAUHRI, DIST. PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Amrendra Chaudhary@Amrendra Kumar son of Bijendra Chaudhary resident of village-Daudpur, Ward No.-13, P.S.- Masaurhi, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nityanand Mishra, Adv.
	:	Mr. Samrat Kumar, Adv.
	:	Mr. Saurabh Suman, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

11 20-07-2026 1. Heard learned counsel for the appellants and learned Special P.P., Ms. Usha Kumari 1 for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 31.03.2023 in A.B.P. No. 10380 of 2022 passed by the learned Exclusive Special Judge, Patna S.C./S.T. (POA) Act, Masaurhi in connection with Masaurhi P.S. Case No. 617 of 2022 registered for the offences punishable under Sections 341,



323, 385, 504 and 34 of the Indian Penal Code as well as Sections 3(1) (r) (s) of the SC/ST Act.

3. Learned counsel for the appellants, after some arguments, seeks permission to withdraw the appeal with respect to appellant no.1 with liberty to surrender and seek regular bail.

4. Permission is accorded.

5. Learned counsel for the appellants submits that informant despite receiving notice chooses not to appear and contest. It is next submitted that appellant no. 2 is a person with clean antecedent and the informant alleges that accused persons including the appellants came to his house and demanded donation of Rs. 10,000/- for Durga Puja and when the informant showed his inability to give the same, the accused persons abused him by taking caste name, on objection, it is alleged that appellant no. 1 assaulted him with an iron rod causing injury on head and he fell unconscious and was taken to sub-divisional hospital Masaurhi for treatment.

6. Learned counsel for the appellants submits that from perusal of the allegations as alleged in the FIR, it would manifest that allegation of abuse is general and omnibus in nature and there is no specific allegation of assaulting the



informant by the appellant no. 2 and the occurrence took place at the house of informant, thus was not in public view.

7. Learned Special P.P. for the State opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 10380 of 2022 **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Masaurhi P.S. Case No. 617 of 2022 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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