

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3104 of 2025

Arising Out of PS. Case No.-20 Year-2025 Thana- SC/ST District- Kishanganj

Noor Alam S/o Abdul Jalil R/o Village- Patkoi Khurd, PS- Kochadhaman,
Distt- Kishanganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Amar Ram S/o Rajender Ram R/O Vill- Patkoi Kala, ward no. 4, P.S.-
Kochadhaman, Distt.- Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Diwakar Sinha, Advocate.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl. PP.
For the O.P. No.2	:	Mr. Rajeev Ranjan, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 24-02-2026 Heard learned counsel appearing on behalf of the

appellant, learned Spl. PP for the State and learned counsel for

the informant.

2. The appellant has preferred the appeal under
Section 14(A)(2) of the SC/ST Act against the rejection of
prayer for pre-arrest bail vide order dated 01.07.2025 passed by
learned Additional Sessions Judge-I cum Special Judge,
Kishanganj in Kishanganj SC/ST P.S. Case No. 20 of 2025
registered under Sections 126(2), 115(2), 303(2), 352, 351(2)
and 3(5) of the BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of
the SC/ST Act.

3. As per the allegation made in the F.I.R., the
informant had requested to remove tractor which was parked on
the middle of the road and the same was denied by an eleven



years old grand son of the appellant and thereafter the appellant along with other family members assaulted the informant and also abused by taking caste name on the road.

4. Learned counsel appearing on behalf of the appellant submitted that the allegation as alleged in the F.I.R. is false and concocted. In fact, the tractor was parked and the child aged about 11 years has given information to the informant that a mechanic has been called to repair the tractor and in the meantime informant came at that place and scolded, abused and assaulted the child, to which, the appellant who is the grand father of the child reached there and protested, due to which, the informant became angry and filed the instant F.I.R. Learned counsel further submitted that informant has not suffered any injury, as such, the appellant be released on pre-arrest bail.

5. *Per contra*, Mr. Rajeev Ranjan, learned counsel tendered his appearance on behalf of the informant and submitted that the appellant abused the informant taking his caste name before the public who had gathered at the place of incidence which is on the road, as such, the ingredients of Sections 3(1)(r)(s) of the SC/ST Act is made out against the appellant, as such, he doesn't deserve to be released on bail.

6. Learned Spl.PP for the State has also opposed the



prayer for grant of pre-arrest bail to the appellant.

7. Having considered the nature of allegation alleged in the F.I.R., as well as, no denial in the bail application that the appellant had not abused in public view, at the same time, he had taken the caste name of the informant, as such, the ingredients of Sections 3(1)(r)(s) of the SC/ST Act are attracted and for intentional assault with an intent to insult and humiliate the informant who is member of the scheduled caste within public view, I find that in absence of any information that the incidence has not taken in public view, merely denial on the part of the appellant that he has not abused or taken the caste name of the informant will not absolve him from the allegation as alleged in the F.I.R., though there is no sign of any assault on the person of the informant, I am not inclined to enlarge the appellant on pre-arrest bail.

8. Accordingly, the present appeal stands dismissed.

(Purnendu Singh, J)

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