

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3127 of 2025**

Arising Out of PS. Case No.-17 Year-2025 Thana- SC/ST District- Gaya

Raj Kumar Thakur @ Raj Kumar Sharma S/O Vasudev Sharma @ Baso
Thakur Resident of Village- Kanhaul, P.S. Bodh Gaya, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Mahesh Manjhi S/O Late Samali Manjhi Resident of Village- Kanhaul, P.S.
Bodh Gaya, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Ms.Usha Kumari 1

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

4 14-05-2026 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Ms. Usha Kumari No. 1.

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 19-05-2025 in A.B.P. No. 121 of 2025 passed by the
learned Exclusive Judge S.C./S.T. (POA) Act, Gaya in
connection with SC/ST P.S. Case No. 17 of 2025. registered for
the offences punishable under Sections 126(2), 115(2), 74,
352(2), 351(2) and 3(5) of the BNS as well as Sections 3(1)(r)
(s)(w) and 3(2)(va) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellant submits that from perusal of the office report dated 12-5-2026, it would manifest that the same records that notice has been validly served on the respondent no. 2, but then respondent no. 2 despite receiving notice chooses not to appear and contest.

4. Learned counsel for the appellant next submits that the appellant is a person with clean antecedent and the informant alleges that on 5-3-2025 at 4 pm, his daughter was coming home after cutting grass, when she was intercepted by appellant along with other named accused, who assaulted her on the pretext that she was coming through their field and even acted inappropriately and again came to the house and abused by taking caste name.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that allegation of abuse and assault is not specific. It is further submitted that even presuming what has been alleged is true without admitting then in the second part of the FIR, it is alleged that accused came to the house of the informant and abused by taking caste name, as such occurrence did not take



place in public view. It is thus submitted that this perhaps explains why respondent no. 2, despite receiving notice, chooses not to appear and contest.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. Considering the aforesaid facts, let the appellant above-named, in the event of his 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) 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 the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the impugned order is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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