

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3269 of 2025**

Arising Out of PS. Case No.-53 Year-2025 Thana- FESHAR District- Aurangabad

-
1. Jitendra Yadav @ Jitendra Kumar, aged 21 yrs, male, S/o- Kameshwar Yadav
 2. Satrudhan Saw @ Chhotu Saw, aged 33 years, male, S/o- Rajendra Saw
 3. Sinesh Yadav, age 37 years, male, S/o- Alakhdeo Yadav
 4. Gautam Kumar @ Gautam Saw, age 20 years, male, S/o- Mithlesh Saw
 5. Krishna Saw, age 35 years, male, S/o- Ramashish Saw
- Appellant/s

Versus

1. The State of Bihar
2. Niraj Kumar S/o- Jayram Paswan Village- Parasdih Ps- Fesar Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Mukul Kumari, Advocate
For the O.P. No. 2	:	Mr. Navin Kumar Jha, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-02-2026 Heard Mrs. Mukul Kumari, learned counsel appearing on behalf of the appellants; Mr. Navin Kumar Jha, learned counsel for OP No.2 and Mrs. Usha Kumari 1, learned Spl. PP for the State.

2. The appellants have preferred the present appeal under Section 14(A) (2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for pre-arrest bail, vide order dated 19.06.2025 passed by the learned District & Additional Sessions Judge-1st-cum-



Special Judge (SC/ST, NDPS & Children Act), Aurangabad in ABP No.1258 of 2025 arising out of Fesar PS Case No.53 of 2025, registered for the offences under Sections 191(2), 191(3), 190, 191(2), 126(2), 115(2), 351(2), 352 of the BNS and Sections 3(1)(r)(s)/ (2)(va) of SC/ST Act.

3. As per the allegation made in the FIR, while the informant had gone to attend the call of nature, in the meantime, appellants along with other accused persons, had assaulted the informant and his family members, with an intention to kill.

4. Learned counsel appearing on behalf of the appellants submitted that general and omnibus allegation has been levelled against the appellants. The specific allegation of taking caste name of the informant is against co-accused Gautam Shah. The appellants are innocent and they have not abused the informant or his family members in public view. Appellants have clean antecedent. In absence of any specific allegation, appellants seek to be released on pre-arrest bail.

5. *Per contra*, Mr. Navin Kumar Jha, learned counsel appearing on behalf of the informant submitted that the offence had taken place in public view and appellants' complicity in the said offence cannot be denied, who had joined the main accused Gautam Shan and had assaulted and used abusive word in public



view attracting Sections 3(1)(r)(s)/ (2)(va) of SC/ST Act.

6. Mrs. Usha Kumari 1, learned Spl. P.P. also vehemently opposed the prayer for grant of pre-arrest bail to the appellants.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the Apex Court, while considering the scope of Section 18 of SC/ST Act, has observed that only in the cases where offence can not be said to have been made out on a very *prima facie* consideration, the court may exercise discretion to grant pre-arrest bail to the accused, I find that in view of the general and omnibus allegation levelled against the appellants, who have clean antecedent, have *prima facie* made out a case to be released on bail.

8. The appellants, above named, are directed to be released on pre-arrest bail, in the even of their arrest or surrender before the learned court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with ABP No.1258 of 2025 arising out of Fesar PS Case No.53 of 2025, subject to the conditions as laid down



under Section 482 of the BNSS.

9. Accordingly, the impugned order is set aside and
the present appeal is allowed.

(Purnendu Singh, J)

Niraj/-

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

