

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3310 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- MUFFASIL District- Aurangabad

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Anuj Kumar @ Anuj Chandrabanshi S/o- Mukesh Singh Village- Rajoi PS-
Muffasil District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Jirmaniya Kuwar W/o- Late Jayant Paswan Village- Rajoi PS- Muffasil Dis-
trict- Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms.Sakshi Deep, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-02-2026 Heard learned counsel appearing on behalf of the ap-
pellant learned Spl. PP for the State.

2. The appellant has 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 18.07.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad in ABP No.1644 of 2025 arising out of Aurangabad Muffasil PS Case No.90 of 2025, registered for the offences under Sections 109(1), 126(2), 115(2), 352, 351(2), 3(5), 303(2) of BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act.



3. As per the allegation made in the FIR, the co-accused persons including the appellant abused the informant by taking her caste name. It is alleged that they assaulted the family members of the informant with rod, lathi-danda, bricks etc. causing them injuries and they also snatched golden chain of the informant.

4. Learned counsel appearing on behalf of the appellant submitted that from very perusal of the allegation made in the FIR, it appears that no case is made out against the petitioner under SC/ST Act. It is contended on behalf of the appellant that the occurrence has taken place inside the house and not in the public view. In this regard, reliance has been placed on the judgment of the Apex Court passed in **Swarn Singh v. State Standing Counsel**, reported in **(2008) 8 SCC 435**, wherein it has been held that the alleged insult or intimidation must have taken place in a place within public view to constitute an offence under the Act

5. Learned counsel further submitted that there is no specific allegation against the appellant, who is aged about 23 years. Learned counsel also contended that the injuries sustained by the injured persons may have been caused in self-defence without intention to kill them.



6. *Per contra*, Mr. Rohit Raj, learned counsel for the informant submitted that the specific allegation in the FIR is that the appellant along with the other co-accused persons have used abusive words and the incident has taken place in Veranda/Darwaza and then they entered into the house. As such, Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act is attracted in the present case, as well as, there is specific allegation against the appellant of assault on Ramresh Paswan, who sustained injuries on his head, which is the vital part of the body. As such, the appellant does not deserve to be released on pre-arrest bail.

7. Heard the parties.

8. Learned Spl. P.P. has vehemently opposed the prayer for grant of pre-arrest bail to the appellants.

9. Having considered the rival submissions made on behalf of the parties, as well as, having perused the FIR and the law laid down by the Apex Court in case of **Swarn Singh Supra**). I find that the place of the occurrence is admittedly inside the house and not in the public view. The specific allegation against the appellant is that he had assaulted one Ramresh Paswan, who sustained injuries on his head, which is not very serious.

10. I find that the appellant has made out a case that



in self-defence he may have assaulted without any intention to kill and some injuries have been caused on the person of the injured. I find that *prima facie* the appellant has made out a case to be released on pre-arrest bail.

11. The appellant, above named, is directed to be released on pre-arrest bail, in the even of his 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 tot he satisfaction of the learned District Court where the case is pending in connection with ABP No.1644 of 2025 arising out of Aurangabad (Muffasil) PS Case No.90 of 2025, subject to the conditions as laid down under Section 482 of the BNSS.

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

(Purnendu Singh, J)

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