

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3333 of 2025**

Arising Out of PS. Case No.-23 Year-2024 Thana- SC/ST District- Khagaria

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1. Manik @ Manik Choudhary S/O Mahesh Choudhary
  2. Shivam Kumar @ Anmol Kumar S/O Dinesh Choudhary
- Both are resident of Village- Pipra, P.S- Chautham, Distt.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Buddhu Sada S/O Late Dahor Sada R/O Village- Bhelauri, Ward No. 9, P.S- Chautham, Dist.- Khagaria.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Rahul Singh, Advocate  
For the Respondent/s : Mr.Usha Kumari 1, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      23-02-2026                      Heard learned counsel appearing on behalf of the appellants and the 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 28.07.2025 passed by the learned Additional Sessions Judge-1<sup>st</sup>-cum-Special Judge (SC/ST), Khagaria in Special Anticipatory Bail Application No.49 of 25 arising out of Khagaria (SC/ST) P.S.Case No.23/24 for the offence registered under Sections 341, 323, 379, 504/34 of IPC and Section 3(i)(r)(s), 3(2) (VA) of SC/ST Act.

3. As per the allegation made in the FIR, while the



informant was going to receive his wages, the co-accused persons along with the appellants assaulted the informant and snatched Rs.170/- from his pocket, as well as, they abused him by taking his caste name in public view.

4. Learned counsel appearing on behalf of the appellants submitted that general and omnibus allegation has been alleged against the appellants. The specific allegation of using abusive language and taking the caste name is against co-accused Keshav Choudhary.

5. Learned counsel further submitted that the incident had taken place near the '*Darwaza*' of the house, which is not a public place so the allegation under Section 318 and 319 of SC/ST Act is not attracted. Appellants have one criminal antecedent.

6. Learned Spl. P.P. has 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 FIR, I find that specific allegation of using abusive language and taking caste name is against the co-accused persons. The allegation primarily relates to payment of wages and the appellants have no concern with the wages which is to be paid to the informant



*Prima facie*, the appellants have made out a case to be released on pre-arrest 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 Special Anticipatory Bail Application No.49 of 2025 arising out of Khagaria (SC/ST) P.S.Case No.23/24, 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)**

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