

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3582 of 2025

Arising Out of PS. Case No.-310 Year-2025 Thana- GAURICHAK District- Patna

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Santosh Yadav S/O Nageshwar Yadav, R/O Village- Chaksurat,
(Aguntola),PO-Nandlalabad P.S.- Panchrukha, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobha Devi D/O Shri Nitish, W/O Paswan R/O Village- Chaksurat,
(Aguntola),PO-Nandlalabad P.S.- Panchrukha, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Saifur Rahman, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Parmeshwar Vishwakarma, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 23-02-2026 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State as well as learned counsel for the

informant.

2. The present appeal has been preferred by the
appellant under Section 14(A)(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 against
the order dated 23.07.2025, passed by learned Exclusive Special
Court, SC/ST, Patna in A.B.P. No. 2825 of 2025, arising out of
Gaurichak P.S. Case No. 310 of 2025, whereby learned Court
below has rejected the application of the Appellant for
anticipatory bail.

3. As per the allegation, the informant lady was



sleeping with her children in her house and in the midst of the night at 3:00 A.M., the accused touched her in indecent way and she woke up, raised hulla and other family members also woke up and then accused-petitioner fled away. It is also stated that the informant belongs to SC/ST Community.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case on account of his demand of repayment of the loan which was already given to her husband. He further submits that even as per the allegation, no case under SC/ST Act is made out because it does not transpire from the content of the F.I.R. that alleged outraging modesty has been committed by the appellant against the informant lady on account of her being Scheduled Castes. As such, unless the alleged offence is committed only with intent to humiliate the victim on account of being a member of the SC/ST Community, SC/ST Act does not come into play. At most, it is a case of outraging modesty punishable under Indian Penal Code.

5. It is also stated in paragraph no. 2 of the petition that the appellant has not moved earlier before this Court for grant of anticipatory bail. It has further been stated in paragraph no. 3 that the appellant has no criminal antecedent.



6. However, the Ld. Special Public Prosecutor for the State and learned counsel for the informant vehemently oppose the prayer of the appellant for anticipatory bail.

7. Considering the aforesaid facts, it appears that alleged offence has not been committed with intent to humiliate the informant on account of being a member of the Scheduled Castes Community and hence, *prima facie* SC/ST Act is not maintainable against the appellant.

8. Accordingly, the present appeal is allowed, setting aside the impugned order dated 23.07.2025, passed by learned Exclusive Special Judge, SC/ST Act, Patna in A.B.P. No. 2825 of 2025, arising out of Gaurichak P.S. Case No. 310 of 2025 and directing the appellant, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Gaurichak P.S. Case No. 310 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the appellant has any criminal antecedent, learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellant.

9. The appeal stands allowed, accordingly.

(Jitendra Kumar, J.)

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