

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3713 of 2025**

Arising Out of PS. Case No.-42 Year-2025 Thana- SC/ST District- Gaya

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1. Dinesh Kumar @ Dinesh Bind
2. Ganesh Bind @ Ganesh Kumar
3. Ravi Bind @ Ravi Kumar
All above are sons of Kishore Bind
4. Deepak Kumar, son of Awdhesh Bind
All are Resident of village - Lakhanpur, P.S.- Muffasil, Dist- Gaya
- Appellants
- Versus

1. The State of Bihar
2. Shobha Devi, wife of Late Ramshla Paswan, Resident of village-Lakhanpur,
P.S.- Muffasil, Dist- Gaya
- Respondents

Appearance :

For the Appellant	:	Mr. Sudhir Kumar Sinha, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Pushp Raj Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-02-2026 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State duly assisted

by learned counsel appearing for the informant.

2. The appellants/accused have preferred the

present appeal under Section 14A(2) of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act (for short

'the Act') for setting aside the impugned order dated

12.08.2025 passed by the learned Exclusive Special Judge,

SC/ST, Gaya in connection with ABP No.225 of 2025 arising



out of SC/ST P.S. Case No.42 of 2025.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. The appellants/accused are named in the FIR and apprehending their arrest in connection with SC/ST P.S. Case No.42 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 190, 191(1), 74, 329(4), 303(2), 324(5), 324(4), 351(2), 352 of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNSS') as well as Sections 3(1)(r) (s), 3(1)(s), 3(1)(w) and 3(2)(va) of the Act.

5. As per FIR, the appellants alleged to outrage the modesty of informant after criminal trespass to her house and also assaulted them. The allegation of theft of Rs.30,000/- is also available against appellants. Informant claimed to be member of scheduled caste community.

6. It is submitted by learned counsel appearing for appellants that the allegation *qua* criminal trespass and assault is appearing very much general and omnibus against appellants. It is pointed out that out of local disputes and enmities, the present false case was lodged. In support of his



submission, learned counsel submitted that that prior to this occurrence, the informant's side also lodged a similar case against appellants. It is submitted that it cannot be believed that three brothers along with their father with trespass assaulted the informant only for the purpose of outraging her modesty.

7. Arguing further, it is submitted that the allegation *qua* caste abuse *prima facie* not attracted in this case, as same not appears to be made in public view. In support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Hitesh Verma vs. State of Uttarakhand and Anr [(2020) 10 SCC 710]**.

8. Learned Special Public Prosecutor duly assisted by Mr. Pushp Raj Singh, learned counsel appearing for informant while opposing the prayer for bail of the appellants submitted that appellants have actively involved in present occurrence.

9. In view of aforesaid factual submissions and by taking note of fact, as the allegation *qua* criminal trespass and



outraging modesty and also regarding physical assault is appearing very much general and omnibus against appellants, where occurrence *prima facie* took place due to previous enmity, accordingly, all four above-named appellants, in the event of their arrest or surrender before the court below within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No. 42 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

10. Accordingly, the impugned order dated 12.08.2025 passed by learned Exclusive Special Judge SC/ST, Gaya is set aside.

11. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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