

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3742 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- BAKHARI District- Begusarai

Abhinav Kumar, S/o Shatrudhan Paswan, R/o Village-Sugga (Suga), Ward
No. 16, Bakhri Bazar, P.S.- Bakhri, Distt.- Begusarai.

... .. Appellant

Versus

1. The State of Bihar
2. Rajo Paswan, S/o Brahmdeo Paswan, R/o Village-Babhen (Babhain), Ward
No. 10, P.S.- Bakhri, Distt.- Begusarai.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Vinod Kumar Seth, Advocate
		Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-02-2026 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State duly assisted by

learned counsel appearing for informant.

2. The appellant has preferred the present appeal

under Section 14A(2) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 (for short ‘SC/ST

(POA) Act 1989’) for setting aside the impugned order dated

07.08.2025 passed by the learned Exclusive Special Judge,

SC/ST (POA) Act, Begusarai in connection with Bakhri

(Bakhari) P.S. Case No.160 of 2025.

3. Present appeal is well within limitation as



prescribed under Section 14A(3) of the SC/ST (POA) Act 1989.

4. Accused/appellant is named in the FIR and apprehending his arrest in connection with Bakhri (Bakhari) P.S. Case No.160 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 352, 109(1) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(1)(r)(s) of the Act of 1989 and Section 27 of the Arms Act.

5. As per FIR, co-accused person along with appellant and 5-6 unknown persons assaulted the son of informant by using caste name and also one of the co-accused opened fire upon him, which hit on his right thigh, whereas another bullet as fired by the same co-accused passed by injuring his head. After the occurrence, the accused persons fled away. The appellant claimed himself a member of scheduled caste community.

6. It is submitted by learned counsel appearing for appellant that the occurrence took place due to road rage issue as surfaced between the son of the informant and



appellant and others. It is submitted that the specific allegation of causing firearm injury is available against co-accused Vishal Kumar and merely as this appellant was with the side of co-accused Vishal Kumar, he was implicated with present false case. It is submitted that even abuse in caste name is available against co-accused Vishal Kumar and not against this appellant and, therefore, no *prima facie* case appears made out against appellant under the SC/ST (POA) Act, 1989. It is submitted that nothing surfaced during the course of investigation, which may suggest that act of appellant can be said an atrocities within the meaning of Act as to cause present occurrence. The appellant claimed clean antecedent.

7. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh vs. Parasram @ Purushottam*** as reported in ***[2015 (153)AIC 276]***.

8. Learned Special Public Prosecutor has opposed the prayer of bail.



9. Learned counsel appearing for informant while opposing the appeal submitted that this appellant was actively involved in this case. However, he could not dispute the factual aspects that firing and abuse by caste name was made by co-accused Vishal Kumar.

10. In view of aforesaid factual submissions and by taking note of fact as *prima facie* allegation of causing fatal firearm injury and also abuse by caste name is not available against appellant rather same is available against co-accused Vishal Kumar, accordingly, the appellant, above-named, in the event of his arrest or surrender before the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Bakhri (Bakhari) P.S. Case No. 160 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’).

11. Accordingly, the impugned order dated 07.08.2025 as passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai is set aside.

12. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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