

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3802 of 2025**

Arising Out of PS. Case No.-1 Year-2025 Thana- PANJWARA District- Banka

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1. Usha Devi Wife of Amin Bagvai @ Amin Bagave Resident of village- Beltikari, Police Station- Panjawara, District- Banka
 2. Amin Bagvai @ Amin Bagave Son of Late Gorakhi Bagave Resident of village- Beltikari, Police Station- Panjawara, District- Banka
 3. Nitu Kumar @ Nitish Kumar Son of Amin Bagvai @ Amin Bagave Resident of village- Beltikari, Police Station- Panjawara, District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Dashrath Harijan Son of Late Pati Harijan Resident of village- Beltikari, Police Station- Panjawara, District- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 23-02-2026 Heard the parties.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 08.05.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Banka, in A.B.P. No. 119/2025 in connection with Panjawara P.S. Case No. 1/2025 registered under Sections 126(2), 115(2) and 352 of the BNS and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST (POA) Act.

3. Present appeal is well within limitation as prescribed



under Section 14A(3) of the Act.

4. Despite service of notice to respondent no. 2, informant failed to join the present Court proceedings.

5. Allegation against the appellants is to assault informant and threatened him to vacate the community hall.

6. Learned counsel appearing for the appellants submitted that appellants were implicated falsely with present case, as FIR nowhere disclose the specific date *qua* occurrence. It is submitted that mere on the basis of advancing threat this false case was lodged. It is also submitted that allegation *qua* abusing caste name in public view not appears available against appellants who are men of clean antecedent. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hitesh Verma v. State of Uttarakhand, [(2020) 10 SCC 710]**.

7. Learned Special P.P. opposed the prayer of bail.

8. In view of the facts and circumstances, as mentioned above and by taking note of fact as prima-facie implication of appellants appears on the basis of advancing threat and abusing in caste name, which prima-facie not appears to be made in public view, accordingly, all above-named appellants in the event of their arrest or surrender before the learned trial Court, within a period



of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Banka/concerned Court, where the case is pending in connection with A.B.P. No. 119/2025 in connection with Panjawara P.S. Case No. 1/2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, impugned order dated 08.05.2025 is hereby set aside/quashed.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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