

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3815 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- SC/ST District- Vaishali

1. Meghnath Pandit son of Mahesh Pandit Resident of Ward no 3, Ps- Jethui, Jethui nizamat District -Vaishali Bihar
2. Manish Kumar Son of Meghnath Pandit Resident of village - Jethui, Ps- Jethui, Po- Hajipur, Ward no. 3, Jethui Nizamat, Po- Hajipur Ind. Area, Dist- Vaishali
3. Anita Devi wife of Meghnath Pandit Resident of village - Ward no. 3, Ps- Jethu, Jethui Nizamat, Dist- Vaishali
4. Sushmita Kumari Wife of Bittu Pandit Resident of village - Karkar, Ps- Mahrajpur, Post- Mahrajpur, dist- Ghaziabad
5. Juhi Kumari Wife of Shyam Babu Resident of village - Veerganj, Ward no. 6, Ganpataul, Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Choudhary son of Nathu Choudhary Resident of village - Jethui, Ps- Industrial Area, Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Aryan Sinha, Advocate
For the Respondent/s	:	Mr.Binay Krishna, APP
For the informant	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-04-2026 Heard learned counsel for the appellant and learned
Spl. PP for the State.

2. The appellants have preferred the appeal under
Section 14(A)(2) of the SC/ST Act against the rejection of
prayer for pre-arrest bail vide order dated 25.07.2025 passed by
learned Exclusive Special Judge, SC/ST Vaishali in connection



with Hajipur SC/ST P.S. Case No. 49 of 2025 registered under Sections 126(2),115(2),117,74,303(2),352,351(2),3(5) of the BNS and Section 3(i)(r)(s)(w)(i),3(2)(va)of the SC/ST Act.

3. As per the allegation made in the F.I.R., the accused persons named therein including the appellants are said to have slated the informant in the name of his caste and also assaulted him. The accused persons also outraged the modesty of the wife of the informant.

4. Learned counsel appearing on behalf of the appellants submitted that the appellants are innocent and have falsely been implicated in the present case. General and omnibus allegation has been levelled against all the appellants. The occurrence has taken place in the mango orchard and as such, it cannot be said that the alleged occurrence took place in public view. The appellants have clean antecedents.

5. Learned counsel for the informant and the learned Spl.PP for the State have opposed the prayer for grant of bail to the appellants.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that general and omnibus allegation has been levelled against all the appellants. It has come in the impugned



order that daughter of the appellant no.1 was kidnapped by the informant. The occurrence has taken place in the mango orchard and as such, it cannot be said that the alleged occurrence took place in public view. In the absence of any allegation of intentional insult or intimidation to establish a caste nexus, and with no assertion that caste-based abusive language was used against the informant, coupled with the lack of any specific role attributed to the appellants, there appears to be no likelihood of the appellants threatening witnesses, tampering with evidence, or misusing the privilege of liberty. The appellants have clean antecedents. In such circumstances, the impugned order dated 25.07.2025 is quashed and set-aside as the bar under Section 18 of the SC/ST Act is not attracted.

7. The learned Trial Court is directed to release the appellants on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Hajipur SC/ST P.S. Case No. 49 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.



8. Accordingly, the appeal is allowed.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

