

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3852 of 2025

Arising Out of PS. Case No.-238 Year-2025 Thana- EKMA District- Saran

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1. Mithilesh Kumar Singh Son of Jay Kumar Singh R/o Village - Hansrajpur, P.S. - Ekma, District - Saran(Chapra).
 2. Nikesh Kumar Singh Son of Nand Kumar Singh R/o Village - Hansrajpur, P.S. - Ekma, District - Saran(Chapra).
 3. Surendra Kumar Singh Son of Late Lalan Singh R/o Village - Hansrajpur, P.S. - Ekma, District - Saran(Chapra).

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Santosh Kumar Sah Son of Gandhi Sah R/o Village - Hansrajpur, P.S. - Ekma, District - Saran(Chapra).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Ranjan, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-04-2026 Heard learned counsels for the appellants and
learned Spl. PP for the State.

2. The appellants have preferred this appeal under Section 14(A)(2) of the SC/ST Act against the rejection of their prayer for pre-arrest bail vide order dated 20.08.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Saran, in Ekma P.S. Case No. 238 of 2025, registered under Sections 126(2),115(2),118(1),352(2),109, 303(2), 3(5) of the BNS and Section 3(1)(r)(s),3(2)(va) of the SC/ST Act.



3. As per the allegations made in the F.I.R., due to a dispute over rash driving, the accused persons allegedly abused the informant by caste name, assaulted him and his family with deadly weapons, caused injuries, and committed theft and snatching.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated, and that even as per the F.I.R., the genesis of the occurrence is an altercation arising out of rash and negligent driving of a tractor, not on account of caste. The appellants were not present at the initial stage of occurrence and the allegation of caste-based remark is attributed to another accused, with no specific allegation of intentional caste-based abuse against the appellants. The allegations are general and omnibus in nature, involving multiple accused persons without specific overt acts, except a general allegation against appellant no. 1. The dispute arises out of a land issue between the parties, and due to refusal to sell the land, the present case has been instituted. Both sides have sustained injuries and there is a case and counter-case between the parties. The appellants have no criminal antecedents.

5. Learned Special Public Prosecutor for the State has



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, upon perusal of the record, it appears that the dispute is primarily land-related and the allegations of caste-based abuse against the appellants are general and not specific, particularly as they were not present at the initial stage of occurrence. The later allegations are omnibus in nature and the materials indicate a case and counter-case between the parties. In such circumstances, the impugned order dated 20.08.2025 is quashed and set-aside as the bar under Section 18 of the SC/ST Act is not attracted.

7. Appellants have, *prima facie*, made out a case that the assault is not attributable to them. In absence of specific allegation against the appellants the learned Trial Court is directed to released 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 bonds 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 SC/ST Ekma P.S. Case No. 238 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS.



8. Accordingly, the present appeal is allowed.

(Purnendu Singh, J)

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