

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3899 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- MAIN P.S. District- Gaya

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1. Chunnu Lal @ Mritunjay Kumar @ Chunnu Singh S/O Devkumar Singh R/O village- Daulatpur, P.S.- Alipur, District- Gaya
 2. Ayush Kumar S/O Mukesh Singh R/O village- Daulatpur, P.S.- Alipur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Baijnath Kumar Son of Shyamcharan Mochi Resident of village Kespa, P.O- Kespa, P.S Alipur, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-03-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11.08.2025 in A.B.P. No. 196 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Men P.S. Case No. 15 of 2025 registered for the offences punishable under Sections 191(2), 190, 126, 115(2),



117, 352 and 351(2) of the BNS, 2023 as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that he was intercepted by 10 accused persons who asked about his caste and address, on disclosing his caste, the accused persons assaulted him and abused by taking caste name, further he identified Alok, Chunnu and Ayush and reason for the occurrence is that earlier an altercation had taken place on the eve of *Shivratri*.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault and abuse is general and omnibus in nature i.e. no specific allegation regarding abuse and assault is alleged against the appellants. It is further submitted that even the injury suffered by the injured has been opined to be simple in nature, it is thus submitted that had 10 accused assaulted the informant in that event the informant would not have suffered simple injury. It is fairly submitted that process under Section 82 Cr.P.C. has been issued against the appellants, but then it is



submitted that merely because process under Section 82 Cr.P.C. has been issued that in itself would not be a justification for rejecting the anticipatory bail application of the appellants without appreciating the facts of the case. It is also submitted that it does not appear probable that all ten accused persons in one go would have abused the informant by taking caste name.

5. Learned Spl. P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the appeal, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that allegation of abuse and assault is not specific and it does not appear probable that all 10 accused in one go would have abused the informant by taking caste name.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 11.08.2025 in A.B.P. No. 196 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Men P.S. Case No. 15 of 2025, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction



of the learned court below where the case is pending/successor court in connection with Men P.S. Case No. 15 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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