

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3860 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- SC/ST District- Siwan

Naresh Kumar Gope @ Naresh Yadav S/o Lutawan Gope @ Lutawan Yadav
R/o Village- Mirhata, P.S.- Bhagwanpur Hat, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalawati Devi W/o Shankar Ram R/o Village- Mirhata, P.S.- Bhagwanpur Hat, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Javed Aslam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 17-03-2026 1. Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and 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 18.08.2025 in A.B.P. No. 1824 of 2025 passed by the learned 1st District & Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 42 of 2025 registered under Sections 115(2), 126(2), 352, 351(2) and 3(5) of the BNS as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellant submits that appellant has antecedent of one case and the informant alleges that on 04.05.2025 solar light was installed in front of her house by the Government but the accused persons including the appellant on 04.05.2025, at 07:00 p.m., came and took away the solar plate, battery and the light and got the same installed in front of their house and on objection, the accused persons abused. Further, on 07.05.2025 accused person came to her house and abused saying why case has been instituted and assaulted her son, namely, Nitesh by fist.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that accused persons including the appellant took the solar plate, battery and light from the place of occurrence and got the same installed at a place near their house. It is next submitted that it is not possible for the appellant to install solar light at a place near his house without the permission of the authority. It is also submitted that as far as allegation of abuse and assault is alleged, the same is general and omnibus in nature. It is further submitted that it does not



appear probable that all the accused in one go would have abused the informant and as far as allegation of assault is alleged, the allegation is general and omnibus in nature. It is next submitted that even presuming what has been alleged is true without admitting then the occurrence is alleged to have taken place at the house of the informant, as such, was not in public view.

5. Learned Special Public Prosecutor and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellant.

6. Learned counsel appearing on behalf of the informant is not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that allegation of abuse and assault is general and omnibus in nature but then it is submitted that charge-sheet was submitted on 27.10.2025 on which learned Special Public Prosecutor submits that since charge-sheet has been submitted, cognizance must have been taken and since the cognizance has been taken, as such, rigors of Section 18 of the SC/ST Act shall come into play.

7. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellant but for the reason that charge-sheet has been



submitted and cognizance has been taken, as such, the appeal is disposed of with a direction to the appellant to surrender before the learned Trial Court on 31.03.2026 and if the appellant surrenders on 31.03.2026 before the learned Trial Court in that event the learned Trial Court shall consider and dispose of the case of the appellant on the same day.

(Satyavrat Verma, J)

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