

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4708 of 2024

Arising Out of PS. Case No.-250 Year-2024 Thana- ATRI District- Gaya

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1. Raushan Kumar @ Raushan Yadav Son of Rajendra Yadav Village- Teusi Ps- Atri Dist- Gaya
 2. Priyanka Kumari W/o- Raushan Kumar @ Raushan Yadav Village- Teusi Ps- Atri Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kosma Devi W/o- Ramnandan Paswan Village- Teusi Ps- Atri Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 12-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 22.08.2024 passed by learned Exclusive Special Judge, SC/ST Act, Gaya, in A.B.P. No. 262 of 2024 arising out of Atri P.S. Case No. 250 of 2024 registered under Sections 126(2), 115, 303(2), 110, 352, 351(2) and 3(5) of the Bhartiya Nyaya Sahita and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.



3. As per the prosecution case, on 10.07.2024 at about 05:00 PM, a scuffle took place between children due to previous dispute, the appellants and the co-accused persons abused and assaulted the informant, the appellant No.1 (Raushan Kumar) assaulted her daughter, namely, Sulekha Kumari on forehead by means of lathi due to which she got injured and blood started oozing out. It is further alleged that the appellant No.1 (Raushan Kumar) took away cash of Rs 20,000/- from the box of the informant and threatened not to lodge a case otherwise they would kill her family.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. He further submits that although there is specific allegation of assault in the F.I.R. against the appellants, but no injury report is available on record to substantiate the allegation. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is further submitted that the place of occurrence is alleged to be a public place, but it is not alleged that any public was present so as to attract the provisions of SC/ST Act. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.



5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that the appellants are actively involved in the present occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent, let the above named appellants, in the event of their arrest/surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya, in connection with Atri P.S. Case No. 250 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, this appeal is allowed and the impugned order dated 22.08.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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