

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4753 of 2024

Arising Out of PS. Case No.-299 Year-2024 Thana- DINARA District- Rohtas

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1. Hare Ram Chaudhary Son of Dashrath Chaudhary Resident of village- Bilaspur, PO -Gunsej, PS- Dinara, District -Rohtas
 2. Ravindra Sah Son of Late Bandhan Sah Resident of village- Bilaspur, PO -Gunsej, PS- Dinara, District -Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Mehi Rajak Son of Late Vishwanath Baitha Resident of Village and P.O. Lilbandh, P.S.- Dinara, Distt.- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Akhouri Vipin Bihari Shrivastava, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Ajay Kumar Prasad, Advocate
		Mr. Kamal Kishor Kumar, Advocate
		Mr. Dipak Kumar, Advocate
		Mr. Vivek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 12-02-2026 Heard learned counsel for the appellants, learned counsel for the respondent no.2 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 02.09.2024 passed by learned Additional District Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram, in connection with Dinara P.S. Case No. 299 of 2024 registered under Sections 341 and 323 of the Indian Penal Code read with



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, the informant alleged that on 28.06.2024 at about 2:00 P.M., the appellants and the co-accused person came to his hut and started assaulting and abusing by taking caste name.

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 it appears from the F.I.R. itself that there is general and omnibus allegation against all the appellants. Learned counsel for the appellants submits that there is a delay of seven days in lodging the FIR. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. 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 and learned counsel for the respondent no.2 have 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 coupled with the fact that the allegation does not come under the purview of SC/ST Act, 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 Additional District Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram, in connection with Dinara P.S. Case No. 299 of 2024 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 02.09.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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