

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4167 of 2025

Arising Out of PS. Case No.-265 Year-2025 Thana- PAKARIBARAW District- Nawada

1. Guriya Devi W/O Ranjay Mandal @ Rango Mandal Resident of Village- Lodipur, P.S.- Warisaliganj, District- Nawada.
2. Rinku Devi W/O Sanjay Mandal Resident of Village- Lodipur, P.S.- Warisaliganj, District- Nawada.

... .. Appellants

Versus

1. The State of Bihar
2. Usha Devi W/O Tulsi Chaudhary R/O Village- Lodipur, P.O- Kesauri, P.S- Pakribarawan, Distt.- Nawada, Pin Coe- 805132.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Man Mohan Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Vishwa Ranjan Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the appellant, learned counsel for the informant and learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 02.09.2025 passed by the learned Court of Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Nawada in connection with Pakribarawan P.S. Case No.265 of 2025 registered under Sections 115(2), 109, 118(2), 126(2), 351(2), 352 and 3(5) of BNS, 2023 and Sections 3(i)(r), 3(i)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution, in brief, is that on



02.07.2025, informant and her son Golu Kumar were coming from the field after plucking mung beans when appellants and other accused persons came out from the house armed with iron rod, *lathi*, *danda* in their respective hand and started abusing with caste name and assaulted them due to which Golu Kumar fell down and got head injury.

4. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the present case. It is further submitted that there is a general allegation against the appellants of having hurled abuses on caste lines without specifically alleging as to the exact nature of the abuses and also it appears that the allegation of assault is mainly on one Prahlad Kumar and not on the appellants.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.

6. From the reading of the allegation leveled in the FIR, it appears that there is a general allegation against the appellants of having hurled abuses on caste lines without specifically alleging as to the exact nature of the abuses and also



it appears that the allegation of assault is mainly on one Prahlad Kumar and not on the appellants. Under these circumstances, *prima facie*, the provisions of SC/ST Act would not get attracted, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Nawada in connection with Pakribarawan P.S. Case No.265 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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