

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4117 of 2025**

Arising Out of PS. Case No.-75 Year-2025 Thana- Tilakeshwar District- Darbhanga

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1. Gangesh Kumar @ Ganesh Kumar@ Gangesh Mukhiya son of Ram Sogarath Mukhiya @ Sogarath Mukhiya Resident of Ward No 2, Rahipura, Post -Dinmo PS -Tilkeshwar, Dist- Darbhanga
 2. Raja Mukhiya son of Bachan Mukhiya Resident of Ward No 2, Rahipura, Post -Dinmo PS -Tilkeshwar, Dist- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Paro Devi Wife of Varun Manjhi Resident of Ward No 2, Rahipura, Post -Dinmo PS -Tilkeshwar, Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajni Kant Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER**

4 23-02-2026 Heard learned counsel for the appellants, learned counsel for respondent no.2 and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 18.08.2025 passed by the learned Court of Exclusive Special Judge. SC/ST (POA), Darbhanga in connection with Tilkeshwar P.S. Case No.75 of 2025 instituted for the offences under Sections 115(2), 126(2), 110, 303(2), 351(2) & 3(5) of the BNS, 2023 and Section 3(1)(r) and 3(1)(s) of the SC & ST (POA) Act,1989 whereby their prayer for grant of anticipatory bail has been rejected.



3. Prosecution case in brief is that, on the night of 13.06.2025, while the complainant's son was sleeping, Naulesh Mukhiya, Ram Pravesh Mukhiya, Gangesh Mukhiya, Umesh Mukhiya, and Raja Mukhiya of his village came and lured him onto a motorcycle, took him to the river bank near the cremation ground north of the village, and began assaulting him with iron rods and sticks, intending to kill him. As a result of the assault, his son became unconscious. They snatched his mobile phone and then took him home, unconscious. They hurled caste-related abuses and threatened to kill him and his entire family if he told anyone. When they woke up, they found their son, Amit Kumar, lying unconscious. They took him to the Primary Health Center in Kusheshwarsthan for treatment, where he was treated.

4. Learned counsel for the appellants submits that the alleged occurrence is said to have taken place in night of 13.06.2025, therefore, not in public view, as such the provisions of the SC/ST Act would not get attracted. Further submits that the nature of the allegation levelled in the FIR also does not reveal the specific abuses that were hurled on caste line, rather it is general and vague in nature. Learned counsel for the appellants also submits that the occurrence is said to have taken place on 13.06.2025, but the FIR was lodged on 04.07.2025,



after delay of 21 days, for which there is no plausible explanation.

5. Learned Special Public Prosecutor for the State as well as learned counsel for respondent no.2 has vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.

6. So far as the allegation of hurling of abuses on caste line is concerned, the alleged occurrence is said to have taken place in night of 13.06.2025, therefore, not in public view as such the provisions of the SC/ST Act would not get attracted. Further, the nature of the allegation levelled in the FIR also does not reveal the specific abuses that were hurled on caste line, rather it is general and vague in nature, again which would not attract the provisions of the SC/ST Act. It also cannot be lost sight of the fact that the occurrence is said to have taken place on 13.06.2025, but the FIR was lodged on 04.07.2025, after delay of 21 days, for which there is no plausible explanation.

7. Considering all these aspects of the matter, the appellants above named above, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge. SC/ST (POA), Darbhanga in connection with Tilkeshwar P.S. Case No.75 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Alok Kumar Sinha, J)

Prakash Narayan

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