IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4507 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- SC/ST District- Gaya

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Umesh Kumar S/O Late Jainarayan @ Chamari Mistri R/O Village- Horma, Beldaur, P.S- Khizersarai, Distt.- Gaya, Bihar.

... ... Appellant/s

Versus

1. The State of Bihar
2. Sitaram Choudhari S/O Late Kara Choudhari R/O Village- Horma, Beldaur, P.S- Khizersarai, Distt.- Gaya, Bihar.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Brijeshwar Narayan Singh, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 23-03-2026 1. Heard learned counsel for the appellant and the learned Special P.P. Mr. Binay Krishna for the State.

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 23.09.2025 in A.B.P. No. 251 of 2025 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with SC/ST P.S. Gaya Case No.48/2025, arising out of Gaya Complaint Case No.55/2025, registered under Sections 190, 191(2), 126(2), 115(2), 303(2), 352 of the BNS and Sections 3(1)(r)(s) of the SC/ST (POA) Act.

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3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that Binod was arrested and while leaving for P.S. ordered to kill the informant, who had implicated him in a case relating to SC/ST, hence accused persons assaulted him.

4. Learned counsel submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault and abuse is not specific rather is general and omnibus in nature.

5. Learned Special Public Prosecutor Mr. Binay Krishna opposes and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that allegation of assault and abuse is not specific.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) with two sureties of the like

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amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNSS.

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

(Satyavrat Verma, J)

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