

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4509 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- KADIRGANJ District- Patna

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1. Laldev Prasad Son of Late Dwarika Prasad Resident of Village- Giraparta Bigha (Nirparta Bigha), P.S.- Kadirganj, District- Patna
 2. Santosh Kumar son of Laldev Prasad Resident of Village- Giraparta Bigha (Nirparta Bigha), P.S.- Kadirganj, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Arun Paswan son of Late Ramashary Paswan Resident of Village- Giraparta Bigha , P.S.- Kadirganj, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satish Chandra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2026 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities and Amendment) Act, 2016 against the refusal of prayer for anticipatory bail dated 17.09.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna, in connection with Kadirganj Police Station Case No.117 of 2025, registered under Sections 352/115(2)/303(2) / 126(2) /316(2) /318(4)/351(2)/3(5) of the Bhartiya Nyay Sanhita, 2023 and under Sections 3(1)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the FIR as alleged by the informant that informant reached at the house of the accused persons and started demanding money. In response thereof, the accused persons have abused in the name of caste and threatened that how you dare to demand money from him.

4. Learned Counsel for the appellants submits that appellants are innocent and have committed no offence as alleged. Counsel submits that the allegations made in the BNS are not constituted and whatever are constituted are bailable. Counsel submits that the allegation of Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been added. He submits that ingredient of those sections are not there in the FIR as in both sections the said intentional insult or intimidation or abuse has to be made in any place within public view. Counsel submits that it is the informant, who reached at the house of the appellants, and in response, the appellants alleged to have made insult and abuse. Therefore, he submits that ingredients of SC/ST Act are not attracted.

5. Learned Counsel for respondent No.2, on the



other hand, vehemently opposes the prayer for bail and submits that the abuse has been made at the door, as mentioned in the FIR. It is not inside the door, therefore, Counsel for respondent No.2 submits that at the door means and construe the public place and anticipatory bail be rejected.

6. Learned Special Public Prosecutor for the State, on the other hand, submits that allegation is there but he submits that the occurrence took place at the door of the petitioner and it is nowhere mentioned in the FIR that whether the door situated in a Mohalla or in a lonely place and from the contents of the FIR there are doubt.

7. In the light of the submissions made by the parties, it transpires to this Court that the basic ingredients for attraction of SC/ST Act is that intentional insult or intimidation or abuse has to be taken place within public view, which is lacking in the FIR.

8. As such, let the appellants, above named, be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Thirty Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Civil Court



(Sadar), Patna, in connection with Kadirganj Police Station Case No.117 of 2025 subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

9. Accordingly, the order dated 17.09.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna, in Anticipatory Bail Petition No. 3730 of 2025, arising out of Kadirganj P.S. Case No.117 of 2025, is hereby set aside and the present anticipatory bail application stands allowed.

(Dr. Anshuman, J)

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