

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5557 of 2023**

Arising Out of PS. Case No.-133 Year-2023 Thana- GURUA District- Gaya
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Guddu Kumar @ Guddu singh SON OF LALVENDRA KUMAR SINGH
RESIDENT OF VILLAGE - RAKSHA NAGWAN GARH, PS- GURUA, DISTT-
GAYA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. PINTU KUMAR SON OF SHIVNATH CHAUDHARY RESIDENT OF VILLAGE
- NAUDIHA PS- GURUA, DISTT- GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Raj Kumar, Adv. Mr. Archana Kushwaha, Adv. Mr. Akash Shankar, Adv. Mr. Nausheen Fatma, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. P.P.
For the informant	:	Mr. Mukund Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 04-02-2026 Heard learned counsel for the appellant and

learned Special Public Prosecutor appearing for the State as

well as learned counsel appearing for respondent No.2.

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 12.10.2023 passed by learned Special Judge, SC/ST,
Special Court, Gaya in A.B.P. No. 352 of 2023 in connection
with Gurua P.S. Case No. 133 of 2023 registered under
Sections 341, 323, 447, 307, 385, 379, 506 and 34 of the



Indian Penal Code and Section 3(1)(r)(s), 3(2)(v) the of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, informant, namely, Pintu Kumar alleged that on 10.03.2023 at around 04:30 P.M., while he was managing his fast food shop, the appellant along with five other associates came at his shop and told him to serve them choumin (noodles) to eat by abusing him with his caste name otherwise, they will throw his all utensils of his shop. It is further alleged that they have also said that he has not given them ransom on the opening of his fast food shop. On being protest made by him, they went away from there stating that they are coming with their members of their gang after a while and, accordingly, came there along with 15 other members armed with weapons and surrounded the shop and house of the informant and started assaulting the family members of the informant. It is further alleged that Suranjan Das, Niranjana Das and Karnal Chaudhary including the appellant assaulted the informant by means of bat and hockey stick. Further, Niranjana Das who was having pistol, gave a hockey stick



blow on the head of the informant causing grievous injury to him resultantly, he fell down being unconscious even then they assaulted him by means of fists and slaps. On the intervention of villagers, they left him. On regaining conscious, he saw that the appellant along with others were outraging the modesty of his mother and his sister-in-law (bhabhi). Again on the intervention of villagers, they fled away snatching the gold earring of his bhabhi and gold chain of informant along with cash of Rs. 15,000/- from the counter of his shop and also threatened the informant and his family members with dire consequences.

4. Learned counsel appearing for the appellants submits that there is general and omnibus allegation attributed to the appellant. He submits that the instant F.I.R. has been registered against altogether 11 named persons and 10 unknown persons for the alleged occurrence. However, no specific allegation of assault is attributed to the present appellant. He further submits that although the allegation of abuse and assault is leveled against the appellant and others, but no injury report is on record to corroborate the allegation as alleged in the F.I.R., which creates doubt over the prosecution version. As regards



allegation of abuse by caste name is concerned, it does not appear from the F.I.R. that abuse by caste name was made in any public view. He further submits that as a matter of fact, the altercation took place between the parties on account of consumption of fast food. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellant.

5. Learned Special Public Prosecutor as well as learned counsel for the respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that in the F.I.R., there is direct allegation of assault and abuse made by caste name against the appellant and his associates. They are also alleged to have outraged the modesty of female members of the informant.

6. Considering the entire facts and circumstances of the case and also the fact that no injury report is available on record to substantiate the allegation of assault as alleged in the F.I.R. and the allegation of abuse is not made in public view as well as the fact that the appellant is a man of clean antecedent, let the above named appellant in the event of his arrest/surrender within a period of six



weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST), Special Court, Gaya in connection with Gurua P.S. Case No. 133 of 2023, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

7. Accordingly, this appeal is allowed and the impugned order dated 12.10.2023 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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