

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4808 of 2025

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

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1. Vinod Sao @ Binod Sao Son of Late Thakuri Sao Resident of Village - Horma, Police Station - Khizersarai, District - Gaya.
 2. Sushma Devi Wife of Vinod Sao @ Binod Sao Resident of Village - Horma, Police Station - Khizersarai, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sitaram Chaudhary Son of Late Kara Chaudhary Resident of Village - Horma, Police Station - Khizersarai, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Aryan Singh, Adv.
For the State	:	Mrs.Usha Kumari 1, Spl.PP
For the Respondent no.2	:	Mr. Vishwa Ranjan Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl.PP for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail by order dated 03.11.2025 passed by the Exclusive Special Judge, SC/ST, Gayaji in connection with SC/ST No. 281 of 2025 arising out of SC/ST P.S. Case No. 48 of 2025, registered for the alleged offences under Sections 190, 191(2), 126(2), 115(2), 303(2) of the BNS and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (PoA) Act.



3. As per the prosecution case, the informant/respondent no. 2 who appears to be a police official alleges that the appellants and other coaccused persons taking his caste name threatened the respondent with setting him on fire and surrounding the informant and others, assaulted them.

4. Learned counsel for the appellants submits that the appellants are innocent and they have been falsely implicated in this case. From the FIR it is not clear what is the offence made out against the appellants. Moreover the FIR has been lodged after delay of three months without any satisfactory explanation. It is surprising that neither the police nor the family members of the informant gave any information regarding the informant getting abducted and the abductors themselves took the informant to the police officials on 11.04.2025 but no FIR was instituted. Moreover, the SC/ST case no. 15 of 2025 was lodged on 03.03.2025 as admitted by the informant himself, the appellant no. 1 was arrested therefore the allegation of the informant in this regard against appellant no. 1 is practically impossible. There is no specific allegation against the appellants for taking caste name of the informant. Learned counsel further submits that there is inordinate delay of more than a month in filing the application and the FIR was instituted after three months i.e. on 05.07.2025 without any explanation. The appellants have two criminal



antecedents.

5. Learned Spl.PP as well as learned counsel for the respondent no. 2 vehemently oppose the submission made on behalf of the learned counsel for the appellants. Learned counsel for the respondent no. 2 submits that there is specific allegation against the appellants that they abused and threatened the informant and giving a chase apprehended him and trashed him.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful and improbable nature of accusation against the appellants, let the appellants above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Judge, Scheduled Caste/Scheduled Tribe, Gayaji / court concerned in connection with SC/ST No. 281 of 2025 arising out of SC/ST P.S. Case No. 48 of 2025, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain



present on each and every date
fixed by the court below, if so
required by the learned trial
court.

7. Accordingly, the impugned order dated 03.11.2025 is
set aside and the appeal stands allowed.

(Arun Kumar Jha, J)

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