

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4896 of 2025

Arising Out of PS. Case No.-401 Year-2025 Thana- ATRI District- Gaya

Rockey Kumar @ Rocky Kumar S/o Late Subodh Sao @ Late Subodh R/o
Village - Dihuri, P.S - Atri, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Munna Ravidas S/o Rambarat Ravidas R/o Village - Dihuri, P.S - Atri,
District - Gaya

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Complainant	:	Ms. Punam Kumari, Advocate
		Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 19-03-2026 Heard learned counsel for the appellant, learned Spl.
P.P. for the State and learned counsel for the Complainant.

2. This is an appeal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 29.10.2025 passed in CIS No. Bail Appl. Spl. Act 3697/2025 by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya Ji in connection with Atri P.S. Case No. 401 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118, 117(2), 109, 352, 351(20 & 3(5) of the Bharatiya Nyaya Sanhita and under Sections 3(1)(r) & 3(1)(s) of the SC/ST(POA) Act.



3. The case of the complainant, in short, is that the complainant has purchased bulb from the shop of the appellant and has gone to return the same but the shopkeeper Munna Gupta refused to return the same. It is further alleged that the appellant along with others started abusing the complainant with caste name and pushed him. It has further been submitted that the appellant assaulted with iron rod on the head of the complainant due to which he received bleeding injuries. It is further alleged that Chunnu Yadav and Raju Chaudhary anyhow rescued the complainant.

4. Learned counsel for the appellant submits that from perusal of the FIR itself it is clear that the allegation regarding abusing with caste name is concerned, the same is general and omnibus. Only allegation against the appellant is that he has assaulted with iron rod on the head of the complainant and from perusal of the injury report it is clear that the injury which was caused by the appellant on head was found to be simple in nature caused by hard and blunt substance. Learned counsel for the appellant has further submitted that the appellant is having no criminal antecedent and he is in judicial custody since 04.10.2025.

5. Learned counsel for the complainant is present and



has vehemently opposed the bail to the appellant and has submitted that the complainant has received one grievous injury.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 29.10.2025 passed in CIS No. Bail Appl. Spl. Act 3697/2025 by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya Ji in connection with Atri P.S. Case No. 401 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Judge S.C./S.T. (POA) Act, Gaya Ji in connection with Atri P.S. Case No. 401 of 2025.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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