

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5116 of 2025**

Arising Out of PS. Case No.-46 Year-2020 Thana- CHAKAND District- Gaya

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1. Veecky Saw @ Vecky Kumar Gupta @ Vivek Kumar Gupta @ Veecky @ Vivek Gupta S/o- Krishna Saw R/v- Gawnu Bigha Ps- Chakand Dist- Gayaji
 2. Krishan Saw @ Krishna Saw S/o- Kali Saw R/v- Gawnu Bigha Ps- Chakand Dist- Gayaji
 3. Sudha Devi W/o- Krishan SAw @ Krishna Sao R/v- Gawnu Bigha Ps- Chakand Dist- Gayaji

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmala Devi w/o- Rajendra Das @ Rajendra Kumar R/v- Gannu Bigha Po- Rashulpur Ps- Chakand Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Yadav, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For the informant	:	Mr. Brij Mohan Sao, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL ORDER

4 17-07-2026 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 25.09.2025 passed in A.B.P. No. 253 of 2025 passed by learned Exclusive Special Judge SC/ST Gayaji, whereby the prayer for bail of the appellants in connection with Chakand P.S. Case No. 46 of 2020, registered for the offences under Section 323, 188, 354, 379, 504, 506/34 I.P.C. read with Sections 3(1)(r),(s) of SC/ST (POA) Act, was rejected.



3. As per the prosecution case, the allegation against the appellants is that they have abused the informant by taking caste name and started pelting stone and using criminal force with ulterior motive. The informant also alleged that the accused persons broke the box of motorcycle, destroyed the paper and took Rs. 1500/- and outraged her modesty.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in the present case. He further submitted that the allegations are general and omnibus in nature. There is no overt act against the appellants and the appellants have clean antecedents. He further submitted that the specific allegation for snatching the ring and damaging the dickey of motorcycle was against the other accused persons. Learned counsel for the appellants has also submitted that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view.

5. Learned Special P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the appellants. Learned counsel for the State



and informant further submits that there is specific allegation of assault against the appellants, therefore, they do not deserve the benefit of bail.

6. Considering the aforesaid facts and circumstances of the case and the fact that there is general and omnibus allegation has been made against the appellant no. 2 Krishan Saw @ Krishna Saw and appellant no. 3 Sudha Devi, this Court is inclined to allow this appeal against appellant nos. 2 & 3. Accordingly, the appeal is allowed against appellant nos. 2 & 3 and order dated 25.09.2025 passed by learned Exclusive Special Judge SC/ST, Gayaji in connection with Chakand P.S. Case No. 46 of 2020, is hereby set aside.

7. Let the above named Appellant no. 2 Krishan Saw @ Krishna Saw and Appellant no. 3 Sudha Devi, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, 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 Court below/concerned Court in connection with Chakand SC/ST P.S. Case No. 46 of 2020, subject to the conditions as laid down under Section 482(2) of the Bhartiya Nagarika Suraksha Sanhita, 2023.



8. So far as appeal of Appellant No. 1 Veecky Saw @ Vecky Kumar Gupta @ Vivek Kumar Gupta @ Veecky @ Vivek Gupta is concerned, taking into account the facts and circumstances of the case and specific allegation of assault against the appellant no. 1, this Court is not inclined to grant bail of the appellant no. 1 Veecky Saw @ Vecky Kumar Gupta @ Vivek Kumar Gupta @ Veecky @ Vivek Gupta. Accordingly, the prayer for grant of bail of Appellant No. 1 Veecky Saw @ Vecky Kumar Gupta @ Vivek Kumar Gupta @ Veecky @ Vivek Gupta is rejected.

9. If the Appellant No. 1 surrenders before the learned Trial Court and makes a prayer for regular bail, the learned Court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law.

(Alok Kumar, J)

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