

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.28 of 2026

Arising Out of PS. Case No.-40 Year-2025 Thana- SC/ST District- Sheikhpura

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Ganesh Prasad Vishwakarma @ Ganesh Vishakarma @ Ganesh Prasad Vishwakarma S/o- Sohrai Vishwkarma @ Sohrai Mistri R/v- Kamasi Bajar @ Kamisnari Bajar Ps District- Sheaikhpora

... .. Appellant/s

Versus

1. The State of Bihar
2. Minakshi Devi W/o- Vikas Paswan R/v- Kamisnari Bajar Ps Dist-Sheikhpura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Anand, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 06-07-2026 1. Heard learned counsel for the appellant and learned Spl. PP, Mr. Binay Krishna for the State and learned counsel appearing on behalf of informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 15.12.2025 in A.B.P. No. 683 of 2025 passed by the learned District and Additional Sessions Judge, 1st-cum Special judge, S.C./S.T. (POA) Act, Sheikhpura in connection with SC/ST P.S. Case No. 40 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 76, 303(2), 352, 351



and 3(5) of the BNS, 2023 as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and is a senior citizen aged about 70 years and the informant alleges that she along with her husband on 03.10.2025 at 11:30 PM, had gone to see Durga Puja, her husband parked the motorcycle on side of the road due to crowd, further appellant and Deepak came and inquired about the motorcycle, on which her husband said that he will move the vehicle later as there was crowd ahead, on which appellant abused him by taking caste name and started assaulting him, after 5-10 minutes, 8-10 accused came and she identified Prem, Rahul, Rohit and Chandan who also assaulted her husband and appellant acted inappropriately with her and accused persons snatched their chain.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegations do not inspire confidence for the reason that it does not appear probable that where such a large crowd had gathered, the appellant along with other accused would have assaulted her



husband. It is also submitted that though there is allegation of assaulting the husband of the informant but then he did not suffer any injury nor the order impugned records about any injury. It is next submitted that even allegation of abuse is ornamental, it is further submitted that appellant is senior citizen aged about 70 years and has remained a person with clean antecedent all throughout and all of a sudden has been made a criminal with general and omnibus allegations.

5. Learned Special P.P. for the State and the learned counsel appearing on behalf of the informant opposes the appeal, on query of the Court from the learned counsel on behalf of the informant that as to whether any injury was suffered by the husband of the informant on which no reply came forth.

6. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel for the appellant, the order dated 15.12.2025 in A.B.P. No. 683 of 2025, is hereby set aside and the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor



court in connection with Sheikhpura SC/ST P.S. Case No. 40 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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