

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5044 of 2025

Arising Out of PS. Case No.-244 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

1. Dhudhnath Kushwaha S/o Late- Mahavir Bhagat R/o Village- Kuchaikote, P.S- Kuchaikote, Dist- Gopalganj.
2. Arun Prasad Varma @ Akhan Kushwaha S/o Dhudhnath Kushwaha @ Dhudhnath Sah R/o Village- Kuchaikote, P.S- Kuchaikote, Dist- Gopalganj.
3. Anil Prasad Verma @ Anil Kushwaha S/o Dudhnath Kushwaha R/o Village- Kuchaikote, P.S- Kuchaikote, Dist- Gopalganj.
4. Govind Kushwaha @ Govind Kumar S/o Janardhan Bhagat R/o Village- Kuchaikote, P.S- Kuchaikote, Dist- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Hridya Ram S/o Nageshwar Ram R/o Village- Kuchaikote, P.S- Kuchaikote, Dist- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Shyamli Kumari, Adv
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
		Mr. Arvind Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-08-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Sri Sadanand Paswan and the learned counsel appearing on behalf of the 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 22.7.2025 in passed by the learned Additional Sessions Judge-11th-cum-Special Judge S.C./S.T. (POA) Act,



Gopalganj in connection with Kuchaikote P.S. Case No. 244 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 303(2), 352, 351(2) and 3(5) of the BNS as well as Sections 3(1) and 3(2)(i) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are person with clean antecedent and the informant alleges that at 8:30 PM, he had parked his motorcycle in front of his door, when Akhan and Anil came on their tractor and trailer laden with soil, further they unloaded the soil on his motorcycle, on account of which the motorcycle got damaged, accordingly the informant asked the reason for the occurrence on which Akhan and Anil along with four others came and started abusing by taking caste name and thereafter Akhan and Anil put the house of the informant on fire as such the administration was informed and the police came and helped the informant in dousing the fire and when police went away, the accused persons again abused and assaulted the side of the informant and also snatched chain from the neck of Sanjoyti Devi.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the date



of occurrence is 13.6.2025 and the FIR came to be instituted on 15.6.2026. It is also submitted that had any occurrence of the nature as alleged taken place, in that event the police would have instituted an FIR immediately as it is alleged that house of the informant was put on fire and the administration was informed and the police came and doused the fire. It is next submitted that no such occurrence as alleged ever took place. It is further submitted that during the course of investigation also nothing transpired connecting the appellants with the offence. It is also submitted that while unloading the soil, the same fell on the motorcycle of the informant as such an altercation took place and thereafter the instant FIR came to be instituted with exaggerated allegations. It is further submitted that the order impugned does not record about any injury and allegation of abuse and assault is general and omnibus in nature.

5. Learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants.

6. Considering the aforesaid facts, let the appellants above-named, in the event of their 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)



each 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 the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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