IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.289 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- MANSI District- Khagaria

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1. Nitish Kumar S/O Balo Yadav Resident Of Village- Purvi Thatha, P.S- Mansi, Distt.- Khagaria.
2. Rama Kumar @ Ram Kumar S/O Balo Yadav Resident Of Village- Purvi Thatha, P.S- Mansi, Distt.- Khagaria.
3. Anjani Devi W/O Balo Yadav Resident Of Village- Purvi Thatha, P.S- Mansi, Distt.- Khagaria.

... ... Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar S/O Bulendra Paswan R/O Villae- Purvi Thatha, Ward No.10, P.S- Mansi, Distt.- Khagaria.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Ranjeet Kumar Singh, Adv
For the Respondent/s : Mr.Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellant/s and learned Spl. P.P for the State is present.

2. The present Appeal has been filed for grant of anticipatory bail against the order dated 13.12.2024 passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge (SC & ST), Bettiah, West Champaran in ABP No. 68 0f 2024 which was rejected in connection with Mansi P.S. Case No. 239 of 2024 registered for the offence under sections 115(2), 126(2), 303(2), 3(5), 351, 352 of the BNS and Section 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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3. As per the FIR, allegation against the appellants is that he along with the other accused persons has assaulted and abused the informant by his caste name and assaulted him

4. Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in this case. He further submits that appellant no. 1 namely Nitish Kumar is alleged to have assaulted the assaulted by means of iron rod upon the head of the informant but the informant received injury on his right eyes which is simple in nature. He further submits that allegation against the appellant no. 2 is concern, it is alleged that he has assaulted the informant with fist and slaps on his hydrocil but no any injury has been found. So far as allegation against the appellant no. 3 is concerned that she has snatched golden chain from the neck of the informant which is an ornamental allegation. He further submitst hat appellant no. 1 and 2 are student and appellant no. 3 is mother of appellant no. 1 and 2. He further submits informant and the appellant no. 1 and 2 were playing cricket match and during the said course some quarrel has been made among them and appellant no.3 has not even present their but the informant taken the benefit of SC/ST Act and lodged the present case. He further submits that the FIR has been lodged after the delay of about

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two days and there is no any explanation given. He further submits that all the appellant does not possesses any criminal antecedent.

5. Learned Spl.P.P. opposes the prayer for anticipatory bail.

6. On perusal of FIR and impugned order dated 13.12.2024, it appears that the injury sustained by informant are all simple in nature and there is no specific allegation against Appellants and all of them possesses clean antecedent. So, let the above named appellants be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge, 1st-cum-Special Judge (SC/ST), Khagaria subject to the condition laid down under Section 482(2) of the BNS as well as that if any of the above named appellants found to be indulged in similar type of allegation then this would be presumed that appellants have misused the privilege of bail and in this situation Trial Court may cancel the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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