

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.435 of 2025

Arising Out of PS. Case No.-470 Year-2023 Thana- KOILWAR District- Bhojpur

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- 1 . Sudarshan Rai @ Sudarshan Prasad Son of Late Nagina Rai Resident of Village- Modahi Kamal Tola, P.S.- Bihta, Dist.- Patna
 2. Ashok Rai @ Ashok Kumar Son of Late Nagina Rai Resident of Village- Modahi Kamal Tola, P.S.- Bihta, Dist.- Patna
 - 3 . Upendra Rai @ Upendra Kumar Son of Vijay Ray Resident of Village- Modahi Kamal Tola, P.S.- Bihta, Dist.- Patna

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Dharmendra Paswan Son of Jagdish Paswan Resident of Village- Saraudha Ward No. 11, P.S.- Koilwar, Distt.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiv Prasad Gupta, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-11-2025 Heard learned counsels for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 17.12.2024 passed in a case registered for the offence punishable under Sections 341, 323, 302 and 34 of the Indian Penal Code and Sections 3(i)(r) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , informant alleged that all the 12 F.I.R. named accused persons, including these appellants, assaulted brother of informant with fist and slap and thereafter, drowned brother of informant in river as a result of which brother of informant died.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case . Informant is not an eye witness of the occurrence and merely on suspicion , appellants, along with other accused person, have been made an accused in this case . As a matter of fact, the deceased was a habitual drinker and he himself drowned in the river. From bare perusal of the F.I.R. it is apparent that there is no allegation of abuse by caste name against these appellants and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellants claim clean antecedent. Similarly situated co-accused person has already been granted bail by this Hon'ble Court vide order dated 12.09.2024 in Criminal Appeal (SJ) No. 5371 of 2023 .

5 . On the other hand, learned S.P.P. appearing on behalf of the State opposed the prayer for grant of bail to this appellant.



6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 17.12.2024 passed by the Court of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara, in connection with A.B.P. No. 3307 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara, in connection with Koelwar P.S. Case No. 470 of 2023 .

(Prabhat Kumar Singh, J)

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