

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.531 of 2025

Arising Out of PS. Case No.-441 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Khagesh Kumar @ Khagesh Sah Son of Masudan Sah @ Maksudan Sah
Resident of Village- Bhatpura, PS- Simri Bakhtiyarpur, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar Gupta, posted as ASI, Simri Bakhtiyarpur Police Station,
P.S.- Bakhtiyarpur Distt.- Saharsa

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar Sharma, Advocate Mr. Alok Anand, Advocate Mrs. Arpita Mishra, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Satish Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 13-11-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. This appeal has been preferred against the order dated 06.12.2024, passed by the learned Additional Sessions Judge-1st-Cum-Special Judge, S.C./S.T. (Prevention of Atrocities) Act, Saharsa, in connection with A.B.P. No. 964 of 2024 arising out of Simri Bakhtiyarpur P.S. Case No. 441 of 2024, registered for the offences under Sections 191(2), 190, 126(2), 115, 132 and 352 of the B.N.S., 2023 and Sections 3(i)(r) and 3(i)(s) of the S.C./S.T. (Prevention of Atrocities) Act, by



which the prayer for anticipatory bail of the appellant was rejected.

3. As per the prosecution case, the appellant along with other co-accused persons got the accused released from the police party.

4. Learned counsel for the appellant submits that there is no direct allegation against the appellant and that no offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

5. Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail.

6. From a plain reading of the F.I.R., it does not appear that the alleged occurrence was committed against the informant on the ground of his belonging to the S.C./S.T. community.

7. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 06.12.2024, passed by the learned Additional Sessions Judge-1st-Cum-Special Judge, S.C./S.T.



(Prevention of Atrocities) Act, Saharsa, in connection with A.B.P. No. 964 of 2024 arising out of Simri Bakhtiyarpur P.S. Case No. 441 of 2024, is hereby set aside.

9. Let the appellant, in the event of his arrest or surrender within four 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 the learned Additional Sessions Judge-1st-Cum-Special Judge, S.C./S.T. (POA) Act, Saharsa / concerned court below, in connection with Simri Bakhtiyarpur P.S. Case No. 441 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sandeep Kumar, J)

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