

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.635 of 2025

Arising Out of PS. Case No.-270 Year-2023 Thana- BHAGWANPUR HAT District- Siwan

1. Rahul Kumar @ Rehul Kumar S/o- Brij Kishore Mahto Village- Kauriya Tola, Lilahi, P.S- Bhagwanpur Hat, District- Siwan
2. Ravi Kumar @ Ravi Kumar Mahto S/o- Brij Kishore Mahto Village- Kauriya Tola, Lilahi, P.S- Bhagwanpur Hat, District- Siwan
3. Brij Kishore Mahto S/o- Sadhu Mahto Village- Kauriya Tola, Lilahi, P.S- Bhagwanpur Hat, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Ram, ASI R/o- Bhagwanpur Hat, Ps- Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jeetendra Narayan
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-09-2025 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms. Usha Kumari no.1.

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 8-1-2025 in A.B.P. No. 2480 of 2024 passed by the learned Exclusive Special Judge, Siwan in connection with Bhagwanpur Hat P.S. Case No. 270 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 337, 338, 307, 353, 427, 504 and 506 of the Indian Penal



Code as well as Sections 3(1)(r)(s)/3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 14-5-2025, it would manifest that the same records that the S.P, Siwan, has already informed the respondent no.2 about the notice, as such, the notice is deemed to be validly served.

4. The learned counsel for the appellants next submits that appellant no.1 is a person with clean antecedent and appellant nos. 2 and 3 have antecedent of one case, but then the said case was also instituted with respect to the same occurrence for which the instant FIR has been instituted. The learned counsel submits that one Durgawati Devi instituted Bhagwanpur Hat P.S Case no. 268 of 2023 against several accused persons including Rohit. It is next submitted that Rohit was arrested by the police, but Rohit died in police custody, as such, the villagers were enraged. It is further submitted that Bhagwanpur Hat P.S Case no. 269 of 2023 came to be instituted by the SHO of the P.S alleging that the police force was going to arrest other accused of Bhagwanpur Hat P.S Case no. 268 of 2023, when the accused persons gathered and assaulted the police force. It is next submitted that appellant no.1 herein is not an accused in Bhagwanpur Hat P.S Case no. 269 of 2023. It is further



submitted that for the same offence, the instant FIR came to be instituted by the ASI wherein similar allegations were alleged as alleged in Bhagwanpur Hat P.S Case no. 269 of 2023, but then in the instant case, appellant no.1 was also made an accused. It is further submitted that the appellant nos. 2 and 3 herein have already been granted the privilege of anticipatory bail by the learned district court in Bhagwanpur Hat P.S Case no. 269 of 2023. It is thus submitted that for the same offence, two FIRs have been instituted, but then appellant no.1 herein is not an accused in Bhagwanpur Hat P.S Case no. 269 of 2023 but then if he was involved in the occurrence, his name would have figured in the said case itself. It is also submitted that allegation of assault is not specific rather is general and omnibus in nature as it is not alleged that the appellants being aware of the caste of the informant and other police personnel assaulted them.

5. Learned Spl. P.P. for the State 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 before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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