

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.788 of 2025

Arising Out of PS. Case No.-545 Year-2024 Thana- BAKHTIYARPUR District- Patna

Awadhesh Yadav @ Awadhesh Ray @ Avdesh Ram S/o Rajendra Ray @
Rajendra Ram R/o vill- Dedour, P.S.- Bakhtiyarpur, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahesh Paswan S/o Shyam Paswan R/o vill - Dedour, P.S.- Bakhtiyarpur,
Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Informant	:	Mr. Rabish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-08-2025 Heard learned counsel for the appellant, respondent
no. 2 and the State.

2. This criminal appeal has been filed against the order dated 06.01.2025 passed by learned Exclusive Special Judge, SC & ST Act, Patna in ABP No. 4894 of 2024 in connection with Bakhtiyarpur P.S. Case No. 545 of 2024, instituted under Sections 126(2), 115(2), 118(1), 109, 103(1), 352, 351(3), 351(2), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per F.I.R., co-accused Dhiraj Kumar stabbed



son of the informant, resulting in his death.

4. Learned counsel for the appellant submits that appellant is only alleged to have caught hold of the deceased and there is absolutely no allegation of assault against him. Specific accusation of stabbing the deceased is against co-accused Dhiraj Kumar. He further submits that there is no allegation that this appellant abused informant by caste name, as such, no offence under SC/ST Act is made out against him. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of accusation, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged 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 Exclusive Special Judge, SC & ST Act, Patna in ABP No. 4894 of 2024 in connection with Bakhtiyarpur P.S. Case No. 545 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 06.01.2025 is set aside with respect to



this appellant only.

(Prabhat Kumar Singh, J)

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