

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1015 of 2025

Arising Out of PS. Case No.-198 Year-2024 Thana- BHORE District- Gopalganj

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1. Nawal Kishore Bhagat @ Naval Kishor Prasad Son of Late Ramchandra Bhagat @ Late Ramchandra Prasad Resident of Village - Berauna, P.S. - Bhore, District - Gopalganj
 2. Amarjeet Singh Son of Late Hari Narain Singh Resident of Village - Singhpur, P.S. - Phulwariya, District - Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Aarti Devi Wife of Rajendra Ram Resident of Village - Berauna, P.S. - Bhore, District - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar Dubey, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P
For respondent no.2	:	Mr. Vikash Kumar Shukla, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants, learned Spl. Public Prosecutor appearing on behalf of the State and learned counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated 04.02.2025 passed by learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Bhore P.S. Case No. 198 of 2024, registered under Sections 126, 115(2), 117(2), 303(2), 352, 351(3), 3(5) of B.N.S. Act 2023 and Section 3(i)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



whereby the prayer for anticipatory bail of appellants has been rejected.

3. It is alleged that on the alleged date and time of occurrence, all the accused persons including these appellants assaulted and abused the informant.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to previous dispute. Further submission is that as per F.I.R. the date of occurrence is 26.07.2024 but the F.I.R. was lodged on 02.08.2024 without any plausible reason in inordinate delay. There is general and vague allegation against the accused persons. There is a land dispute between the parties and with an intention to settle the dispute, false case has been lodged. Appellants had earlier lodged the F.I.R. against the informant side. The allegation of theft is super addition. There is no allegation against the appellants of abusing the informant by his caste name, hence no offence under SC/ST Act is made out. Appellant no.1 has one criminal antecedent which was lodged by the family member of the informant and after investigation, the police submitted final form against appellant no.1. Appellant no.2 has clean antecedent. They undertake to co-operate in the investigation and trial. There is no chance of



absconding of the appellants or tampering with the evidence.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the aforesaid facts and circumstances of the case and the submissions advanced on behalf of the parties, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Bhore P.S. Case No. 198 of 2024.

7. Accordingly, the impugned order dated 04.02.2025 is set aside and this criminal appeal is allowed.

(Sunil Dutta Mishra, J)

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