

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1323 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- NAUBATPUR District- Patna

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1. Kundan Kumar Son of Jai Prakash Gupta Village- Ajwan PS- Naubatpur Dist- Patna
 2. Chandan Kumar son of Jai Prakash Gupta Village- Ajwan PS- Naubatpur Dist- Patna
 3. Raushan Kumar Son of vijay Gupta Village- Ajwan PS- Naubatpur Dist- Patna
 4. Bhim Kumar @ Rohit Kumar son of Vijay Gupta Village- Ajwan PS- Naubatpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Kumar Das son of Tapeswar Das Village- Ajwan PS- Naubatpur Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar , Advocate
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-11-2025 Heard learned counsel 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 10.03.2025 passed in a case registered for the offence punishable under sections 126(2), 115(2), 75, 303(2), 352, 351(2), 3(5) BNS and 3(1)(घ), 3(1) (द) 3(2) (va) Schedule Cast and Schedule Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case, the informant, Ashok Kumar Das, has alleged that on 09.02.2025, all the F.I.R.-named accused persons were publicly hurling derogatory and contemptuous abuses against the late Dr. B.R. Ambedkar. When the informant objected, accused persons abused informant by caste name and on 11.02.2025 they inserted bamboo into the wheel of motorcycle of brother of informant and assaulted him and also took away Rs. 500/- from him.

4. It is submitted on behalf of these appellants that appellants are innocent and have committed no offence as alleged. As a matter of fact, informant and others were forcefully collecting *chanda* to celebrate Dr. Ambedkar *Jayanti* and when these appellants refused to give *chanda* , informant and others assaulted appellants side for which Naubatpur PS Case No. 97 of 2025 was lodged against informant and others. It is further submitted that the offence was not committed only on the ground that the informant was a member of Schedule caste and Schedule Tribes and as such, no case under Section SC / ST Act is made out. Appellants claim clean antecedent.

5 . Learned special Public Prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, this appeal is



allowed and the impugned order is set aside. 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge SC/ST Act, Patna in connection with Naubatpur Police Station Case No. 96 of 2025 .

(Prabhat Kumar Singh, J)

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