

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2071 of 2025

Arising Out of PS. Case No.-98 Year-2025 Thana- BYPASS District- Patna

-
1. Birendra Singh @ Virendra Singh S/o Late Saryug Singh Resident of Village - Marcha, P.S. - Bypass, District - Patna
 2. Chunnu Kumar @ Chunnun Singh S/o Birendra Singh @ Virendra Singh Resident of Village - Marcha, P.S. - Bypass, District - Patna
 3. Jaiky Kumar @ Jaiky Singh S/o Birendra Singh @ Virendra Singh R/o Village - Marcha, P.S - Bypass, District - Patna
 4. Bhushan Singh S/o Suresh Singh R/o Village - Marcha, P.S - Bypass, District - Patna
 5. Krishna Yadav @ Krishna Kumar S/o Bhushan Singh R/o Village - Marcha, P.S - Bypass, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Babu Paswan S/o Late Preman Paswan R/o village - Marcha, P.S.- Bypass, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shyamal Prakash
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Rohit Kumar
		Ms. Nitu Kumari
		Mr. Manish Kumar No 13

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 09-12-2025 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.
2. The learned counsel for the appellants, at the outset, seeks permission to withdraw the present appeal with respect to appellant no.1, Birendra Singh @ Virendra Singh, who was arrested during pendency of the appeal.



3. Permission is accorded.

4. Accordingly, instant appeal is dismissed as withdrawn with respect to appellant no.1, Birendra Singh @ Virendra Singh.

5. The rest appellants have challenged the order dated 17.04.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Sadar Patna in connection with ABP No.1323 of 2025 arising out of Bypass P. S. Case No.98 of 2025, instituted for the offences under Sections 126(2), 115(2), 118(1), 74, 126, 352, 351(2), 351(3), 19(2)(3) of the B.N.S. and Section 3(1)(r) (s), 3(2)(va)(w) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

6. The learned counsel appearing on behalf of the appellants submits that appellants have antecedent of one case and the informant alleges that on 02.03.2025 at about 6.30 P.M. wedding procession of the son of Dukhan Paswan was proceeding from the village towards the city when members of a particular caste from the same village i.e. the accused persons including the appellants forcibly entered the Barat and stopped the DJ song and ordered to play song of a particular party instead. On objection, an altercation ensued thereafter Prakash



assaulted Suresh by lathi causing injury on his left waist. Further, Jaiki assaulted Siya Ram Paswan on right shoulder with a blade causing injury, thereafter Chunnu assaulted Sunny with an iron rod causing injury on left hand and all the accused dashed Phulo Devi on the ground by pulling her hair and assaulted her by an iron rod causing injury.

7. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that though it is alleged that Prakash, Jaiki and Chunnu assaulted the injured, but then, a specific pleading has been made at Para-7 of the appeal that no injury report is on record. It is also submitted that as far as allegation of abuse is alleged, the same is general and omnibus in nature.

8. The learned Special P.P. as well as the learned counsel appearing on behalf of the informant opposes the appeal. The learned counsel appearing on behalf of the informant submits that appellants have not approached this Court with clean hands as at Para-3, it has been pleaded that appellants have antecedent of one case when they have antecedent of two cases, the other being Bypass P. S. Case



No.13 of 2024.

9. At this stage, the learned counsel appearing on behalf of the appellants submits that the criminal antecedent of the appellants has been pleaded at Para-3 based on instruction of the deponent of the case.

10. Regard being had to the aforesaid submissions, the order dated 17.04.2025 is set-aside conditionally.

11. The appeal stands allowed conditionally.

12. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on **provisional anticipatory bail** on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Sadar Patna in connection with ABP No.1323 of 2025 arising out of Bypass P. S. Case No.98 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

13. It is made clear that thereafter the learned trial Court shall verify the criminal antecedent of the appellants and in the event, if it is found that appellants have more than



one antecedent, in that event, the provisional anticipatory bail shall not be confirmed, but if it is found that appellants have antecedent of one case only, in that event only, the provisional anticipatory bail shall be confirmed forthwith.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

