

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2069 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- AMARPUR District- Banka

=====

Sagar Kumar Chaudhary @ Sagar Kumar @ Sagar Kumar Chodharay S/o Govardhan Chaudhary @ Govardhan Prasad Choudhary R/o Village- Bharko, P.S.- Amarpur, Dist.- Banka

... .. Appellant/s

Versus

1. The State of Bihar
 2. Dayakant Paswan, The S.I. Posted in Amarpur Police Station, District- Banka Bihar
- Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Amit Kumar Mishra, Adv.
For the Respondent/s : Mr. Binay Krishna, SPP

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 12-11-2025 Heard the learned counsel for the appellant and learned

Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail vide order dated 25.04.2025, passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Banka in connection with Amarpur P.S. Case No. 74 of 2025, registered under Sections 191(2), 190, 126(2), 115(2), 131(B), 223, 132, 352, 351(2) of the B.N.S. and Sections 3(1) (r) (s)/3(2) (va) of the SC/ST (POA) Act.

3. The prosecution case, in brief, is that on 03.02.2025 at about 18:30, Vikas Kumar, came to the police station and told that near Bharko turn, 01. Shailesh Kumar, 02. Badal Kumar



and 8-10 persons from village Bharko stopped his truck and started beating him and demanding extortion. Somehow he ran away from there with his truck from Bharko turn, but near Shobhanpur Chowk, all the people overtook and stopped his vehicle and pulled him and his helper Vishal Kumar beat both of them brutally and snatched rupees ten thousand, mobile phone and truck keys from pockets and ran away. They somehow saved their lives and came to the police station for verification and necessary action in this regard. As per the order of the SHO, Sub Inspector Vicky Kumar, Sub Inspector Rajesh Kumar Chaudhary and armed force personnel along with Vikas Kumar left the police station. When the police officer and armed force reached near Bharko turn, they saw that 20-25 people were standing near Bharko turn. When Vikas Kumar was asked to identify the person, who was fighting from among the people standing, Vikas Kumar identified Rupesh Kumar of Bharko and Vikas Kumar told that he had snatched the keys of my truck. During enquiry Rupesh Kumar started behaving indecently and rudely and other people, who were also present there started teasing and misbehaving with the Police force. The informant and other police party told to pacify the people present there, but they became furious and started abusing by his cast words and



beating the informant with sticks and bricks in their hands. When they protested against the abuse, the people present there started pelting stones at police, threatening to kill and ran to hit with sticks. Somehow they saved their lives and came to the police station. The local watchman and spy told that in the above incident 01. Situ Kumar, 02. Rupesh Kumar, 03. Badal Kumar, 04. Nitish Yadav, 05. Ram Lakhan Yadav, 06. Yashwant Yadav, 07. Tinku Yadav, 08. Sagar Kumar, 09. Brajesh Kumar, 10. Rupesh Kumar, 11, Muskan Kumar, 12. Mansi Kumar and 08-10 unknown persons have not been traced. Thereafter an FIR was registered against them.

4. Learned counsel for the appellant submits that as per F.I.R. the story set up by the informant is self-contradictory and absurd and there is no material to support the complaint of the so called victim made with regard to arrival of the police at the said place, but by way of lodging the present F.I.R and in order to give seriousness to the commission of offence, caste issue has been incorporated in the prosecution case.

5. Learned counsel for the appellant further submits that no specific role is attributed to the appellant rather the specific role has been assigned to the other co-accused persons i.e. Rupesh Kumar. While initial allegation was levelled against Shailesh Kumar and Badal Kumar, against whom there is allegation of



assault, but the case records does not contains any injury report of the initial informant or his khalashi. It is specifically submitted that the appellant has not done any wrong and has never assaulted the informant on the ground that he belongs to Scheduled Caste. Therefore, the allegations so levelled against the appellant is fake and false.

6. It has next been submitted that the name of the appellant has come on the disclosure of the unknown Police spy as well as by the Police Chowkidar, who are said to have found this appellant to be a member of unlawful assembly.

7. At this stage, learned counsel for the appellant submits that one Brajesh Kumar, who is said to be a member of the mob has been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 11.07.2025, passed in Cr. Misc. No. 2583 of 2025.

8. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant.

9. Considering the facts that the name of the appellant has come on the disclosure of the unknown Police spy as well as by the Police Chowkidar, to be a part of a member of unlawful assembly and no specific role has been attributed to the appellant, rather the specific role has been assigned to the other co-accused persons namely Rupesh Kumar and one Brajesh Kumar, who is



said to be a member of the mob has been granted privilege of anticipatory bail by a Coordinate Bench of this Court, let the above named appellant, be released on anticipatory bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Banka in connection with Amarpur P.S. Case No. 74 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Accordingly, the impugned order dated 25.04.2025 is set aside and this appeal is allowed.

(Ajit Kumar, J)

pravinkumar/-

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

