

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2291 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- ALOULI District- Khagaria

Deepak Kumar Son of Ram Chandra Paswan Resident of Village- Chilauri,
Ward No.03, P.S.- Bahadurpur, Distt.- Khagaria

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Ashutosh Kumar Son of Ram Dayal Paswan Resident of Village- Padri, P.s.-
Allauli, Distt.- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-12-2025 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 26.05.2025 , passed in a case registered for the offence
punishable under sections 127 (2), 308 (2), 3(5) of BNS and
sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby the prayer for
anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely
Ashutosh Kumar alleged that on 12.03.2024, while he was
returning from a party at midnight, his vehicle was intercepted



by police , and they falsely implicated him in excise case and took him into custody. It is further alleged that after taking cash of Rs. 80,000, police released the informant from custody .

4. It is submitted on behalf of the appellant that at the relevant time , appellant was choukidar and he is innocent and has falsely been implicated in this case . At the time of incident, appellant was on his duty and has got no concern with the aforesaid incident. From bare perusal of F.I.R. it would be apparent that the alleged occurrence took place on 12.03.2025 but the present case has been lodged on 20.03.2025 for which there is no explanation which itself creates doubt over the entire prosecution . Allegation is general and omnibus against this appellant. It is further submitted that Section 3 of the SC/ ST Act is not attracted against the petitioner for the reason that the alleged allegation of abuse by caste name did not occur in a public place nor in presence of any member of the public . It is further submitted that the dispute between the parties has already been settled and a compromise petition has been filed before the learned Court below on 16.04.2025 i. e ., Annexure P / 2 to the bail appeal. Appellant claims clean antecedent.

5 . Learned Special public Prosecutor for the State does not dispute the contention made on behalf of appellant.



6. Considering the fact that the dispute between the parties has already been settled , clean antecedents of appellant and other circumstances of the case , this appeal is allowed and the impugned order is set aside. Let the appellant, 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) with two sureties of the like amount each to the satisfaction of the learned District & Additional sessions Judge – I – CUM-special Judge (sc / st) , Khagaria in connection with Alauli Police Station Case No. 117 of 2025 .

(Prabhat Kumar Singh, J)

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