

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2297 of 2025

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

1. Ajay Kumar @ Ajay Yadav Son of Arvind Kumar Resident of Village-Nagla Khajuria, Police Station and District- Etawa, (U.P) Address at present Officer-in-Charge of Bahadurpur Police Station, Police Station- Bahadurpur, District-Khagaria.
2. Nageshwar Ram Son of Narayan Ram Resident of Village- Manjhaul-3, Police Station- Manjhaul, District- Begusarai. At present Bahadurpur Police Station, Police Station- Bahadurpur, District- Khagaria.
3. Bhim Kumar Son of Bhola Nath Singh Resident of Village- Panuli, Police Station- Awatarnagar, District- Saran. At present Bahadurpur Police Station, Police Station- Bahadurpur, District- Khagaria.
4. Manoj Kumar Son of Sidheshwar Prasad Resident of Village- Barchi Bigha, Police Station- Giriyak, District Nalanda. At present Bahadurpur Police Station, Police Station- Bahadurpur, District- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashutosh Kumar Son of Ramdayal Paswan Resident of Village- Pathari, Police Station- Alauli, District- Khagaria. At prs- Sarpanch of Bhikharighat, Village, District- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vikramadit , Advocate Mr. N K Agrawal , Senior Advocate Mr. Kumar Rajfeep, Advocate Ms. Diksha Kumari , Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For respondent No. 2	:	Mr. Amresh Kumar Sinha, Advocate Mr. Saroj Kumar Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-06-2025

Heard learned counsel for the parties.

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 that at the relevant time appellants were local chaukidar (police officials) and due to previous dispute they have falsely been implicated in this case . 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. It is further submitted that Section 3 of the SC/ ST Act is not attracted against the appellants 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.

Appellants claim clean antecedent.

5 . Learned Special public Prosecutor for the State and learned counsel for the respondent No. 2 does not dispute the contention made on behalf of appellants.

6. Considering the fact that the dispute between the parties has already been settled , clean antecedents of appellants and other circumstances of the case , 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 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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