

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2386 of 2025

Arising Out of PS. Case No.-391 Year-2024 Thana- GAURICHAK District- Patna

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1. Uma Shankar Singh Son of Late Raghuveer Singh Village- Panchrukhiya, ps- Gaurichak, Dist- Patna
 2. Shakti Singh @ Shakti Kumar Singh Son of Late Ravindra Kumar Singh Village- Panchrukhiya, ps- Gaurichak, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Birju Paswan son of Prabhu Paswan Village- Panchrukhiya, ps- Gaurichak, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Singh, Advocate
		Mr. Kumar Shankaran, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

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

learned Special PP for the State.

2. That the instant appeal has been filed against the order dated 08.05.25 passed in A.B.P. No.1416/25 (arising out of Gaurichak (dated-6.8.2024) P.S. Case No.391/24 registered u/s 126(2), 115(2), 352, 351(2), 8(3), 3(5) of the BNS and u/s 3(1)(r)(s), 3(2) (va) of the S.C./S.T. Act) by the learned Excl. Spl. Judge SC/ST, Patna whereby and where under the anticipatory bail application of the appellants has been dismissed as non-maintainable.

3. The allegation against the appellants is that they came at the house of the informant and have assaulted the informant and his family members after which informant



got head injury. It is also alleged that the accused persons have also threaten the informant and his family members to leave the village by using caste remark.

4. Learned counsel for the appellants submits that appellants have falsely been implicated in this case. He further submits that Petitioner No.1 is senior citizen and the Petitioner No.2 is a handicap person. He further submits that there is admitted land dispute between the parties. He further submits that as per the FIR, the place of occurrence was the house of the informant which is not considered as a public place. He next submits that from perusal of the FIR it is crystal clear that the appellants have not used any specific derogatory caste remarks upon the informant and his family members. He next submits that appellants have got clean antecedents as stated in para-3 of the anticipatory bail petition.

5. However, learned Spl.PP for the State oppose the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, submission made by learned counsel for the appellants and also the fact that appellants have got clean antecedents



and there is no specific allegation against the appellants that they have used any specific derogatory caste remarks upon the informant and his family members, I am inclined to grant anticipatory bail to the above named appellants, let the above named appellants be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna in connection with Gaurichak P.S. Case No.391 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023 with a further condition that if the appellants are again found to be indulged in the same nature of offence, then it shall be presumed that appellants have misused the privilege of bail and the learned Trial Court shall be at liberty to cancel the bail bonds of the appellants.

7. The appeal stands allowed.

(Ramesh Chand Malviya, J)

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