

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2481 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- RAGHUNATHPUR District- Siwan

1. Ankesh Bhagat S/o Mahesh Bhagat Resident Of vill- Kausar, Po- Gabhirar, Ps- Raghunathpur, Dist- Siwan
2. Ankit Bhagat @ Ankit Kumar Bhagat S/o Mahesh Bhagat Resident Of vill- Kausar, Po- Gabhirar, Ps- Raghunathpur, Dist- Siwan
3. Mahesh Bhagat S/o Late Indrasan Bhagat Resident Of vill- Kausar, Po- Gabhirar, Ps- Raghunathpur, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Prince Kumar S/o Late Ramdeni Ram Resident Of vill- Kausar, Ps- Raghunathpur, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Majid Mahboob Khan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Ajay Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 25-09-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 04.06.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Raghunathpur P.S. Case No. 216 of 2024 under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r)(s) and 3(2)(v) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the appellants along with other co-accused persons have assaulted the informant and his father, a member of the Scheduled Caste by hitting them with sticks and rod for not going to work. It is also alleged that father of the injured informant died in course of his treatment.

4. Learned counsel for the appellants submits that the appellants are innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants also submits that no specific allegation has been attributed against the appellants rather the same is general and omnibus in nature. It is next submitted that specific allegation is against co-accused Rupesh Pandey. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 23.05.2025. Appellant no. 1 has got one criminal antecedent in which he is on bail and appellant nos. 2 and 3 have got no criminal antecedent. Similar co-accused has been granted regular bail by this Court vide order



dated 18.01.2025 passed in Cr. Appeal (S.J.) No. 5180 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 04.06.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan is hereby set aside.

7. Let the appellants be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raghunathpur P.S. Case No. 216 of 2024.

(Rudra Prakash Mishra, J)

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