

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2686 of 2025

Arising Out of PS. Case No.-153 Year-2025 Thana- LALGANJ District- Vaishali

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1. Ravindra Bhagat @ Bauna S/o Ganga Bhagat Resident of Village - Bhagwanpur Pakri, Police Station- Lalganj, Distt.- Vaishali
 2. Dharmendra Bhagat @ Dharmendra Kumar S/o Mohan Bhagat Resident of Village - Bhagwanpur Pakri, Police Station- Lalganj, Distt.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mangru Chaudhary S/o Late Asharfi Chaudhary R/o vill - Kowa Mohammadpur, P.s.- Lalganj, Distt.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 25-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.05.2025 passed in A.B.P. No. 883 of 2025 passed by the learned In-charge Exclusive Special Judge S.C./S.T. Act -cum- District and Additional Sessions Judge, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 153 of 2025 registered for the offences punishable under Sections 103, 352,



351 (3) and 3 (5) of the BNS as well as Sections 3 (i) (r) (s), 3 (2) (v) (va) of the SC/ST Act.

3. The case of the prosecution is that when the son of the respondent returned after performing his duty, the appellants and three others followed him and as they reached near the house of Nathu Mahato, they allegedly attempted to snatch the bag of Shankar Chaudhary, son of the respondent (now deceased) and assaulted him. Nathu Mahato dispersed them. It is further alleged that the accused persons including the appellants again attempted to snatch the bag near the house of Ramesh Paswan but they were again dispersed by him. Further allegation is that near a peepal tree, witnesses, namely Mahavir Kumar and Akhilesh Chaudhary saw the appellants along with other accused persons assaulting the son of the respondent with slaps and fists indiscriminately. On seeing the witnesses, the accused persons fled away and the son of the respondent became unconscious. He was taken to Sadar Hospital, Hajipur where he was declared dead during treatment.

4. Learned counsel for the appellant submits that the appellant have been falsely implicated in the instant case. It is further submitted that the alleged occurrence took place on 26.02.2025 whereas the FIR was lodged on 28.02.2025. It is



further submitted that from perusal of the FIR, it is clear that the informant is not the eyewitness and there is no specific allegation against these appellants rather the allegation of assault is general and omnibus in nature. It is also submitted that from perusal of the postmortem report, it reveals that the doctor did not find any ante-mortem injuries on the person of the deceased and the opinion has been reserved till the report of forensic analysis. It is further contended that from perusal of the case diary, it is clear that the eye witness, namely, Akhilesh Chaudhary has given his statement before the police and has stated that he only saw the appellants and three others fleeing from the place of occurrence and found the deceased lying there unconscious. It is also contended that the statement of Akhilesh Chaudhary, who is said to be the eye witness, also shows that he has not seen the occurrence. It is further contended that the allegation of assaulting the deceased with slaps and fists shows that there is no intention to commit murder and the post-mortem also shows that there is no ante-mortem injury.

5. Learned Spl. P.P. for the State vehemently opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 07.05.2025 in A.B.P.



No. 883 of 2025 passed by the learned In-charge Exclusive Special Judge- S.C./S.T. Act cum- District and Additional Sessions Judge, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 153 of 2025 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Lalganj P.S. Case No. 153 Of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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