

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2733 of 2025

Arising Out of PS. Case No.-867 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Ram Pravesh Yadav @ Ram Pravesh Singh Son of Late Ram Chandra Singh R/o Village - Malu Khaira, P.S.- Barun, District - Aurangabad (Bihar). At Present Mohalla - Gokul Path, Jai Maa Colony, P.S.- Aurangabad (Town), District - Aurangabad (Bihar).
 2. Vikash Kumar @ Sonu Kumar @ Sujit Kumar Son of Jitendra Singh Resident of Mohalla - Ratu Bigha, Rohtas, P.S.- Rohtas, District - Rohtas at Sasaram (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagdev Ram Son of Late Rajdev Ram R/o Village - Koshdihara, P.S.- Jamhore, District - Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjit Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-09-2025 Despite filing *Vakalatnama*, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and learned Spl. Public Prosecutor for the State.

3. This appeal has been filed against the order dated 21.06.2025 passed by learned District & Additional Sessions Judge 1st cum Special Judge, (SC/ST, NDPS and Children Act), Aurangabad, Bihar in ABP No. 1406 of 2025 arising out of Aurangabad (Town) P.S. Case No. 867 of 2024, registered under Sections 329(4), 115(2), 126(2), 109, 352, 351(2), 3(5) of the



Bharatiya Nyaya Sanhita and Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on 18.12.2024, these appellants along with one other F.I.R. named accused persons assaulted informant and Prince Kumar with various weapons and abused them by caste name. It is further alleged that they also snatched gold chain and Rs. 20,000/- from nephew of the informant.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Both parties are neighbours and due to petty dispute, free fight took place between them in which both sides sustained injuries. Case and counter case. Present case is counter blast of Aurangabad (Town) P. S. Case No. 866 of 2024 which was lodged by mother of one co-accused and is earlier in point of time. Allegation of assault is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed



the bail application.

7. Considering the nature of accusation, case and counter case and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of District & Additional Sessions Judge 1st cum Special Judge, (SC/ST, NDPS and Children Act), Aurangabad, Bihar in connection with Aurangabad (Town) P.S. Case No. 867 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 21.06.2025 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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