

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3387 of 2024

Arising Out of PS. Case No.-243 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Boby Deval Kushwaha @ Bobby Kushwaha @ Bobby Deval Kumar S/o Shri
Dharmendra Kumar Singh R/o Village Barej, P.S. - Mohania, Distt. - Kaimur
(Bhabua)

... .. Appellant/s

Versus

1. The State of Bihar
2. Gulab Chandra Paswan S/o Late Lal Bahadur Paswan R/o Barej, P.S. -
Mohania, Distt. - Kaimur (Bhabua)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manish Kumar No 13, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP
For Respondent no.2	:	None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. No one appears on
behalf of respondent no.2 inspite of service of notice.

2. The instant appeal has been preferred against the
order dated 17.5.2024 passed in Anticipatory Bail Petition
no.560 of 2024 by the learned Additional District & Sessions
Judge-I, Kaimur at Bhabua and for grant of anticipatory bail in
connection with Mohania P.S Case no.243 of 2024 registered
under sections 341, 323, 379, 384, 447, 448, 504 and 506/34 of
the Indian Penal Code and sections 3(1)(r)(s) and 3(2)(va) of the
SC and ST (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant states



that his son was abused in the name of caste and assaulted by the appellant herein who along with one another besides brutally assaulting his son also painted his face black. The accused also took away a golden chain from the informant's son.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the case. There is case and counter case between the parties with the case lodged by the appellant, FIR of which is Annexure-P2 to the petition giving the correct version. Serious injury has been suffered by the appellant and the instant case has been lodged with false allegations only to set up a defence by the informant herein. The appellant has no criminal antecedent and undertakes to cooperate in the investigation/trial.

5. The appeal is opposed by learned Special Public Prosecutor for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the appellants in the FIR together with the bar to filing application for anticipatory bail under section 18 of the SC and ST (Prevention of Atrocities) Act, 1989 and the judgment of the Hon'ble Supreme Court dated 1.9.2025 passed in *SLP (Crl.) no. 8169 of 2025 (Kiran vs. Rajkumar Jivraj Jain and Anr.)*, the Court is



not inclined to allow the instant the appeal and the same is rejected.

7. The appellant is directed to surrender in the learned Court below within a period of four weeks.

8. In case the appellant surrenders within the aforesaid period and prays for regular bail, the same shall be considered and decided on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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