

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3372 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- BARHARA District- Bhojpur

1. Rewati Pathak @ Rewati Raman Pathak S/o Ganesh Pathak Resident of Village- Ekauna, P.S.- Barhara, District- Bhojpur
2. Ganesh Pathak S/o Late Awadh Bihari Pathak Resident of Village- Ekauna, P.S.- Barhara, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Babu Ram S/o Late Ram Akbal Ram Resident of Village- Ekauna, P.S.- Barhara, District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 24-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This is an appeal filed under 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 23.07.2025 passed by the learned 1st Additional Sessions Judge cum Special Judge SC/ST Bhojpur at Ara in connection with Barhara P.S. Case No. 102 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 74, 110, 352, 351(2) and 3(5) of B.N.S and Sections 3(1)(r)(s) of the SC/ST(POA) Act.

3. The case of the prosecution in short is that on



17.05.2025 at about 4 PM when the respondent was grazing his cattle near the canal, the appellant no. 1 abused him with caste name and assaulted him with *danda* and forcibly took away his buffaloes. When the respondent went to retrieve his cattle, he saw that appellant no. 1 was beating the buffaloes and demanding Rs. 20,000/- for their release. It is further alleged that appellant no. 2 ordered appellant no. 1 to assault. It is also alleged that appellants also followed the respondent to his house and abused respondent's family members and threatened to kill him if he will report the incident.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case. They are innocent and have committed no offence. He has submitted that the fact of this case is that the respondent is the *bataidar* of the appellants and as the appellants have not given the land this year for cultivation, he has objected the same. It has also been submitted that from perusal of the order of the learned trial court, it will transpire that the respondent has received injuries regarding which, the opinion was reserved till x-ray report. Learned counsel for the appellants has submitted that from perusal of the diary, it is clear that the respondent has not presented himself for X-ray. A statement has been made in para-



3 of this petition that the appellants have got no criminal antecedent.

5. Learned Spl. P.P. for the State has also conceded after observing the case diary that there is an endorsement to the effect that the respondent has not produced himself for x-ray.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 23.07.2025 passed by the learned 1st Additional Sessions Judge cum Special Judge SC/ST Bhojpur at Ara in connection with Barhara P.S. Case No. 102 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) each 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 Barhara P.S. Case No. 102 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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