

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3556 of 2025**

Arising Out of PS. Case No.-192 Year-2025 Thana- HATHUA District- Gopalganj

Ajay Kumar @ Ajay Kamkar S/o- Vinod Prasad R/V- Sohagpur PS- Hathua
Dist- Gopalganj

... .. Appellant

Versus

1. The State of Bihar
2. Aditya Kumar @ Vishal Kumar S/o- Manoj Shah R/V- Sohagpur PS- Hathua
Dist- Gopalganj

... .. Respondents

Appearance :

For the Appellant/s : Mr. Madhav Raj, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-09-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special
Public Prosecutor for the State.

2. Learned counsel on behalf of respondent no. 2
appears before this Court, hence no need of notice arises.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 18.08.2025 passed by the learned Additional District
Judge – XI cum Special Judge, SC/ST (POA) Act, Gopalganj in
Hathua P.S. Case No. 192 of 2025 dated 07.07.2025 registered
for the offences punishable under Sections 126(2), 115(2), 118,
109, 352, 351(3) read with Section 3(5) of the B.N.S., 2023 and



Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act.

4. As per the prosecution case, the informant alleges that on 07.07.2025 at around 12:00 P.M. Ajay Kumar and co-villager, Sagar Kumar started abusing him by taking caste name. They were holding knife and stick in their hands and attacked the informant with knife, hitting three times on his head and also and hit him with Lathi on left hand which led to serious injury. The accused persons also threatened that they will kill him.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted by the learned counsel for the appellant that appellant and the informant are the co-villagers and were in love with the same girl, this led to the dispute between both the parties. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 18.08.2025.

6. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail



petition of the appellant.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 18.08.2025 passed by the learned Additional District Judge – XI cum Special Judge, SC/ST (POA) Act, Gopalganj in Hathua P.S. Case No. 192 of 2025, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge – XI cum Special Judge, SC/ST (POA) Act, Gopalganj in connection with Hathua P.S. Case No. 192 of 2025 with the condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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