

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4286 of 2024

Arising Out of PS. Case No.-488 Year-2024 Thana- AGAMKUAN District- Patna

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1. Rakesh Bharti @ Ramesh Bharti S/o Ramcharitra Bharti R/o Mohalla - Bari Pahari Mushari, P.S. - Agam Kuan, Distt. - Patna
 2. Prakash Bharti S/o Ramesh Bharti R/o Mohalla - Bari Pahari Mushari, P.S. - Agam Kuan, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Laddu Paswan S/o Ramanand Paswan R/o Mohalla - Bari Pahari, Mushahari, P.S. - Agam Kuan, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Satyendra Narayan, Advocate.
For the State	:	Mr.Sadanand Paswan, Spl. PP.
For O.P. No.2	:	Mr. Rabindra Prasad Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants, learned Spl. PP for the State and Mr. Rabindra Prasad Singh, learned counsel for the opposite party no.2.

2. The appellants have preferred the appeal under Section 14(A)(2) of the SC/ST Act against the rejection of prayer for pre-arrest bail vide order dated 03.08.2024 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in Agam Kuan P.S. Case No. 488 of 2024 registered under Sections 341, 323, 324, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(a)(r)(s) of the SC/ST Act.

3. As per the allegation made in the F.I.R., appellants are said to have abused the informant in the name of his caste and also assaulted on his head causing injury.



4. Learned counsel appearing on behalf of the appellants submitted that the allegation levelled against the appellants is not specific rather general and omnibus in nature. The appellants have falsely been implicated in the case subsequent to the F.I.R. lodged by the appellants. Appellants have clean antecedent. Learned counsel further submitted that the appellants undertake to participate in the investigation and they will also appear in course of trial on each and every date fixed by the trial court and will not tamper with the records or evidence.

5. *Per contra*, Mr. Rabindra Prasad Singh, learned counsel tendered his appearance on behalf of the informant and submitted that the alleged offence took place in public view and as such, the ingredients of Sections 3(i)(r)(s) of the SC/ST Act is made out against the appellants, as such, they don't deserve to be released on bail.

6. Mr. Sadanand Paswan, learned Spl.PP for the State has also opposed the prayer for grant of bail to the appellants.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., I find that the appellants have lodged Agam Kuan P.S. Case No. 487 of 2024 prior to lodging of the present



case and the informant to save skin from the said case has lodged the present case, during the said incidence, both the parties entered into fierce fight and in self defence the appellants might have caused some injury to the informant, at the same time, it appears that the incidence took place due to drainage passing between the informant's house and the appellants' house and the said place cannot be said to be place within the public view, the appellants, above named, are directed to be released on bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Agam Kuan P.S. Case No. 488 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

8. Accordingly, the impugned order is set aside and appeal is allowed.

(Purnendu Singh, J)

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