

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3845 of 2025**

Arising Out of PS. Case No.-329 Year-2024 Thana- BARHARA District- Bhojpur

Gorakh Paswan @ Ranjeet Paswan Son of Lakhan Paswan Resident Of
Village- Bakhorapur PS- Barahara District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Tejan Paswan son of Sri Bhadaï Ram Resident Of Village- Bakhorapur PS-
Barahara District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Shweta
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated
16.06.2025 passed by the learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST Act, Bhojpur at Ara, by which the
prayer of the appellant for anticipatory bail was rejected, passed
in ABP No. 695 of 2025 arising out of Barhara P.S. Case No.
329 of 2024 registered for the offence under Section 126(2),
115(2), 117(2), 109(1), 352, 351(3), 3(5) of the Bharatiya Nyaya
Sanhita, 2023, Section 27 of the Arms Act and Sections 3(2)(v)
of the SC/ST Act.

3. As per the prosecution case, the accused persons



including the appellant surrounded the son of the informant and assaulted him.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case and therefore the application of the anticipatory bail is maintainable. He further submits specific allegation of firing is attributed against the co-accused namely Amit Paswan and apart from that co-accused Indralok Paswan provided the arms to the Amit Paswan and both the party belong to the same community. He further relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.***, reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the informant has opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community and the same appears to be a mala fide prosecution.

7. In these circumstances, considering the law laid down by the Hon'ble Supreme Court in the case of ***Kiran Vs.***



Rajkumar Jivraj Jain and Anr. (Supra) and in the case of *Hitesh Verma Vs. State of Uttarakhand (Supra)*, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the rival submissions of the parties, this appeal is allowed and accordingly, the impugned order dated 16.06.2025 passed in ABP No. 695 of 2025 arising out of Barhara P.S. Case No. 329 of 2024 by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara is hereby set aside.

9. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara/concerned Court below in connection with Barhara P.S. Case No. 329 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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