

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5392 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- FATUA District- Patna

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1. Ankit Kumar @ Aditya Kumar S/O Vijay Yadav R/O Vill.- Naraina, P.S.- Fatuha, Dist.- Patna.
 2. Chandan Kumar @ Chandana Kumar S/O Ashok Yadav R/O Vill.- Naraina, P.S.- Fatuha, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramswarath Paswan S/O Laldev Paswan R/O Nathupur, P.S.- Fatuha, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Surendra Kumar Mishra, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Special PP
For respondent no. 2	:	Ms. Bandana Singh, Adv.
		Mr. Saharsh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-12-2025 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Mr. Binay Krishna and the learned counsel appearing on behalf of the respondent no. 2.

2. This is an appeal under Section 14-A(2) of the 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 07.10.2024 in A.B.P. No. 3175 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Patna in connection with Fatuha P.S. Case No. 187 of 2024 registered



for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that his son had gone to the market for purchasing fish when he was intercepted by 8 named accused persons including the appellants along with 10-15 unknown accused, further Rakesh fired at his son, but his son on hearing gun shot started fleeing, when Jhunnu assaulted him by rod causing injury near temple while Rakesh and appellant no 2 assaulted by belt and Rakesh took out Rs. 10,000/- from his pocket, further on coming to know about the occurrence, the informant reached the place of occurrence and found his son lying in a pool of blood and accordingly was admitted in a hospital for treatment, further accused even assaulted and abused his brother.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegations are in two parts and in the first part, it is alleged that



while his son had gone to purchase fish from the market when accused persons including the appellants along with 10-15 unknown accused intercepted him and Rakesh fired and when he started fleeing, Jhunnu assaulted by rod while Rakesh and Chandan assaulted by belt and Rakesh took out Rs. 10,000/- from his pocket, but then it is submitted that the FIR does not even remotely suggest that the accused persons abused him by taking caste name or assaulted him knowing about his caste. It is next submitted that in the second part, it is alleged that all the accused assaulted his brother and abused him also, but then allegation of abuse and assault is general and omnibus in nature. It is further submitted that even presuming what has been alleged is true without admitting then Rakesh is alleged to have fired, but then no one was injured and Jhunnu is alleged to have assaulted by rod causing injury. It is also submitted that the FIR does not even remotely disclose that how the informant came to know about the occurrence and who disclosed the name of the accused persons including the appellants to him, since he is not an eye witness to the occurrence

5. Learned Spl. P.P. for the State as well as learned counsel appearing on behalf of the respondent no. 2 opposes the appeal, but then are not in a position to rebut the submissions of



the learned counsel appearing on behalf of the appellants that informant is not an eye witness to the occurrence nor the FIR even remotely suggests that as to how the informant came to know about the participation of the appellants in the occurrence.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 07.10.2024 in A.B.P. No. 3175 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Patna in connection with Fatuha P.S. Case No. 187 of 2024, **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. 5,000/- (Rupees Five 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 Fatuha P.S. Case No. 187 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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