

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5594 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- RAGHUNATHPUR District- Siwan

1. Ankesh Bhagat Son of Mahesh Bhagat Resident Of Kausar, Po- Gabhirar, Ps- Raghunathpur, Dist- Siwan
2. Ankit Kumar Bhagat @ Ankit Bhagat son of Mahesh Bhagat Resident Of Kausar, Po- Gabhirar, Ps- Raghunathpur, Dist- Siwan
3. Mahesh Bhagat son of Late Indrasan Bhagat Resident Of Kausar, Po- Gabhirar, Ps- Raghunathpur, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Prince Kumar son of Late Ramdeni Ram Resident Of Kausar, Po- Gabhirar, Ps- Raghunathpur, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Majid Mahboob Khan, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the Respondent	:	Mr. Yogendra Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 09-05-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 11-11-2024 passed by 1st Additional Sessions Judge-cum-Special Judge, Siwan whereby the prayer for anticipatory bail of the appellants in connection with Raghunathpur PS Case No. 216 of 2024 instituted under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023



and Sections 3(1)(r)(s) & 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that On 26.07.2024, Respondent No. 2 and his father Ramdeni Ram were working as laborers, they failed to sow seeds as instructed by co-accused Mahesh Bhagat. On 27.07.2024, while returning from '*Pandey Bintolwa*', they were allegedly abused with caste-related slurs and assaulted by the accused persons with rods and lathis. Both were hospitalized, and Ramdeni Ram later succumbed to his injuries on 28.07.2024 at PMCH, Patna.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. The impugned order is unsustainable as it lacks legal basis and ignores key facts, including that no offence under the SC/ST Act is made out against the appellants. The FIR is false and motivated by malice, stemming from personal grudge and village politics. Allegations are vague and unsupported by any independent witness, with specific caste-related abuse attributed only to co-accused Rupesh Pandey. In reality, the dispute arose over a seized motorcycle, leading to a scuffle during which the deceased accidentally fell and sustained injury. Learned counsel for the appellants further submits that the appellants have not



taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellant No.1 bears one criminal antecedent, whereas rest of the appellants have no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case and taking into account the nature and gravity of the offence, this Court is inclined to allow this appeal. Accordingly, the appeal is *dismissed*.

7. However, if the appellants surrender before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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