

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5652 of 2024

Arising Out of PS. Case No.-388 Year-2024 Thana- RAHUI District- Nalanda

1. Rajnish Yadav S/O Late Rani Gope R/O Village- Rahui, P.S- Rahui, Distt.- Nalanda.
2. Abhishek Sao S/O Pradeep sao R/O Village- Rahui, P.S- Rahui, Distt.- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bimlesh Paswan S/O Late Amarnath Paswan R/O Madilpur, P.S- Rahui, Distt.- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Chaudhary
For the Respondent/s	:	Ms.Usha Kumari 1
		Mr.Anil Kumar
		Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-11-2025 1. Heard the learned counsel for the appellants, the
learned counsel appearing on behalf of the informant and the
learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 12.11.2024 passed by the learned Additional District and Sessions Judge-VI, Nalanda at Bihar Sharif in connection with ABP No.1856 of 2024 arising out of Rahui P. S. Case No.388 of 2024, instituted for the offences under Sections 191(2), 190, 126(2), 115(2), 118(1), 303(2), 352, 351(2) and 308(5) of the B.N.S. and Section 3(i)(r), 3(1)(s), 3(2)(v) of the Scheduled



Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants, after some argument realizing his difficulty, seeks permission to withdraw the present appeal with respect to appellant no.1, Rajnish Yadav.

4. Permission is accorded.

5. Accordingly, instant appeal is dismissed as withdrawn with respect to appellant no.1, Rajnish Yadav..

6. The learned counsel appearing on behalf of the appellant no.2 submits that informant alleges that on 26.07.2024 at 4.00 PM, he was going towards Ruhi market when when he was intercepted by Rajnish, Manish, Abhishek along with five unknown accused, who said that his maternal nephew does not give money though he drives toto, on which the informant disclosed that when he earns, he gives and on the day he does not earn, he does not give, on which Rajnish and Manish abused him by taking caste name, thereafter it is alleged that Rajnish assaulted him by butt of pistol causing injury on head thereafter Manish assaulted him by knife causing injury on his hand and appellant no.2 assaulted him causing injury on chest, back.

7. The learned counsel appearing on behalf of the



appellant no.2 submits that appellant has been falsely implicate in the instant case by the informant. It is next submitted that from perusal of the FIR, it would manifest that appellant is not alleged to have abused the informant though it is alleged that he assaulted him causing injury on chest and back, but then, from perusal of the injury report as recorded in the order impugned, it would manifest that no injury was found on chest and back of the informant.

8. The learned Special P.P. and the learned counsel appearing on behalf of the informant opposes the appeal.

9. Regard being had to the aforesaid submissions, the order dated 12.11.2024 is set-aside.

10. The appeal stands allowed.

11. The appellant no.2, Abhishek Sao, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI, Nalanda at Bihar Sharif in connection with ABP No.1856 of 2024 arising out of Rahui P. S. Case No.388 of 2024, subject to the conditions laid down under



Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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