

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5679 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Sonu Kumar S/O Late Maheswar Yadav Village- Barateni, Ward No. 4, Ps.
Udakishunganj, Dist. Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranvir Rishidev S/O Late Laxmi Rishidev Village- Barateni, Ward No. 4,
Ps. Udakishunganj, Dist. Madhepura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-05-2025 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 19.10.2023 passed by learned Additional District &
Sessions Judge- 1st -cum-Special Judge, Madhepura in ABP No.
1424 of 2023 in connection with Udakishunganj P.S. Case No.
266 of 2023, instituted under Sections 25(1-b)a, 26, 35 of Arms
Act and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that this appellant was
driving motorcycle recklessly and wanted to dash the nephew of



informant. Thereafter, it is alleged that this appellant along with other accused persons came to the house of nephew of the informant with country made *katta*, abused him and tried to assault him with *katta*. When villagers intercepted, this appellant managed to flee away and the pistol fell down, which was later handed over to police by informant.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. No arms and ammunition has been recovered from conscious possession of the appellant and he has falsely been implicated in this case. The arms in question has been handed over to the police by informant. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the nature of accusation, clean antecedent and the fact that no incriminating material has been recovered from possession of the appellant, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-



bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge- 1st -cum-Special Judge, Madhepura in connection with Udakishunganj P.S. Case No. 266 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 19.10.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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