

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2 of 2025

Arising Out of PS. Case No.-130 Year-2024 Thana- AGIAON BAZAR District- Bhojpur

Ramesh Yadav @ Ramesh Kumar S/O Bihari Singh R/O Vill.- Nadhi @
Narhi, P.S.- Agiaon Bazar, Dist.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Kumar S/O Janardan Paswan R/O Vill.- Agiaon Bazar, P.S.- Agiaon Bazar, Dist.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sunil Kumar, Advocate Mr. Pankaj Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Md. Ataul Haque, Advocate Ms. Phool Jahan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-07-2025 Heard learned counsel appearing for the appellant, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 06.12.2024 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 109(1), 352, 351(2) and 3(5) of the B.N.S. and Sections 3(1) and 3(1)(d) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, on the alleged date and



time of the occurrence, on the instigation of this appellant, all the F.I.R. named accused persons abused informant by caste name and assaulted him with iron rod. It is further alleged that the accused persons also snatched gold locket from the neck of informant.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that this appellant is only alleged to have instigated other co-accused persons to assault informant. No specific accusation of overt act has been alleged against this appellant. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. It is further submitted that similarly situated co-accused person, namely Niraj Kumar, has already been granted privilege of anticipatory bail by this Hon'ble Court vide order dated 20.03.2025 passed in Cr. Appeal (SJ) No. 350 of 2025. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of



the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, claim based on parity and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 06.12.2024 passed by the learned Additional District and Sessions Judge-I-cum-Special Court (SC/ST), Bhojpur at Ara in connection with A.B.P. No. 3115 of 2024 arising out of Agiaon Bazar P.S. Case No. 130 of 2024 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special Court (SC/ST), Bhojpur at Ara in connection with Agiaon Bazar P.S. Case No. 130 of 2024.

(Prabhat Kumar Singh, J)

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