

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.128 of 2026

Arising Out of PS. Case No.-438 Year-2025 Thana- NAUTAN District- West Champaran

Balister Kumar @ Bali Chaudhary Son of Late Jagal Chaudhary @ Late Jangalal Chaudhary @ Ganglal Chaudhary Resident of Ward no 5, Tilangahi Mianapur PS -Bairiya District -West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Son of Lalan Ram Resident Of Village- Nautan Khap Tola, Ward no. 10, Ps- Nautan, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Gupta, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 16-04-2026 Heard learned counsel for the appellant and learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 18-11-2025 passed by the learned District & Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in connection with Nautan P.S. Case No. 438 of 2025 registered under Sections 126(2), 115(2), 351(2), 352 and 3(5) of B.N.S. as well as Sections- 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act.

3. As per prosecution case, on 17-08-2025, in course of returning home from market, in the way, the appellant and



other accused persons intervened and in consequence of the same, they uttered abusive language taking his caste name. It is further allegation that the informant was assaulted by the appellants and other accused persons, as a result of which, the informant sustained injury.

4. Learned counsel for the appellant has submitted that the appellant is innocent and he has falsely been implicated in this case due to dirty village politics. The occurrence, whatsoever has not taken place in a public view. There is no specific allegation against the appellant rather general and omnibus allegation has been levelled against him. So far as the assault upon the informant is concerned, the same is not attracted to the appellant rather the allegation of assault is against other co-accused persons. Both parties are next door neighbours.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant based upon the allegation made in the F.I.R.

6. From the reading of the allegations levelled in the FIR, it does not appear that at the time of alleged occurrence, any public was present and also there is no allegation of the nature of abuse that was allegedly hurled by the appellant,



except that general allegation of hurling abuse on caste lines has been made.

6. Considering all these aspects of the matter, I am inclined to grant anticipatory bail to the appellant and accordingly, the impugned order dated 18-11-2025 passed by the learned District & Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in connection with Nautan P.S. Case No. 438 of 2025 is set aside and the appeal stands *allowed*.

7. Let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in connection with Nautan P.S. Case No. 438 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Alok Kumar Sinha, J)

A.K.V.//-

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