

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.337 of 2026

Arising Out of PS. Case No.-290 Year-2025 Thana- SIKANDRA District- Jamui

Diwakar Kumar @ Diwakar Yadav S/O Gopal Mandal R/O Village-
Acharyadih, P.S- Sikandra, District- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sunil Paswan S/O Late Prameshwar Paswan R/O Village- Panchmahua, P.S-
Sikandra, Distt.- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-05-2026 Heard the parties.

2. This appeal is preferred against the order dated 01.12.2025 passed by the learned Additional Sessions Judge-I, Jamui in ABP No. 1522 of 2025 in connection with Sikandra P.S. Case No. 290 of 2025 registered for the offence under Sections 115(2),324(4), 109, 117(2), 303(2), 308(5), 353, 351(2), 127(2) of the BNS and under section 3 (2) (s), 3(1)(r), 3 (1) (w), 3(2)(5) of S.C/S.T. (POA) Act by which anticipatory bail filed by the appellant has been rejected.

3. As per the prosecution case, while the informant's nephew was returning from brick kiln, the accused persons come to him and demanded Rangdari of Rs. 5 lakhs. It is further



alleged that informant was assaulted by the accused persons and when the police came then all the accused persons fled from the spot by taking caste name.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place because of dispute for grabbing the mud from the land of the appellant and therefore the application of the anticipatory bail is maintainable. He further submits that the allegations are not corroborated by the injury report.

5. Learned counsel for the State has opposed the prayer of the appellant.

6. From the reading of the entire FIR, it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that for a dispute over grabbing the mud from the land of the appellant, the occurrence has taken place and therefore, this application for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and



accordingly, the order dated 01.12.2025, is hereby set aside.

8. Let the appellant in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Jamui/concerned Court below in in connection with Sikandra P.S. Case No. 290 of 2025, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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