IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.690 of 2026

CNR No. BRHC010170312026

Arising Out of PS. Case No.-273 Year-2025 Thana- ROSERA District- Samastipur

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Md. Oshik Akram @ Md. Vasim @ Villah S/O Md. Parvej Alam @ Mohammad Parwaz @ Parvej Aalam R/O Vill- Govindpur, Ward no.05, P.S- Rosera, Distt- Samastipur.

... ... Appellant/s

Versus

1. The State of Bihar
2. Arun Paswan S/O Late Ramchandra Paswan R/O Village- Kalamanjar, Ward No. 01, Govindpur, P.S- Rosera, Distt.- Samastipur.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Brajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

6 19-11-2026 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

2. This is an appeal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 24.01.2026 in A.B.P. No. 37 of 2026 passed by the learned Special Judge, S.C./S.T. (POA) Act, Samastipur in connection with Rosera P.S. Case No. 273 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2) & 3(5) of the BNS as well as under Sections 25(1-b)A, 26 & 35 of the Arms Act and

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under Sections 3(1)(r) & 3(1)(s) of the SC/ST Act.

3. The case of the respondent is that the son of the informant who is student was being assaulted by FIR named accused persons and two others. It is further alleged that a country made pistol was pointed towards him and was also abused by the named accused persons. It is further alleged one country made pistol was snatched from the hands of this appellant and was handed over to the police.

4. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. He has falsely been implicated in this case. It has been submitted that from perusal of the FIR it will transpire that there is no allegation in the FIR regarding abusing the informant with caste name. It has further been submitted that though there is written in the FIR that country made pistol was snatched from the hands of the appellant but it is not clear as to who has snatched the country made pistol from the hands of the appellant and it is also not clear as to which police officer, the same was handed over. Learned counsel for the appellant has further submitted that due to intervention of well-wishers parties have compromised the case and they have also filed a compromise petition before the learned trial court. It has lastly been

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submitted that the appellant is having no criminal antecedent.

5. Learned Spl. P.P. for the State opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 24.01.2026 in A.B.P. No. 37 of 2026 passed by the learned Special Judge, S.C./S.T. (POA) Act, Samastipur in connection with Rosera P.S. Case No. 273 of 2025 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rosera P.S. Case No. 273 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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