

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1164 of 2025

Arising Out of PS. Case No.-567 Year-2024 Thana- BIDUPUR District- Vaishali

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1. Ravi Kumar S/o Amod Kumar Ray @ Amod Ray R/o Vill.- Randaha, P.S- Baranti, Dist.- Vaishali
 2. Amod Kumar Ray @ Amod Ray S/o Late Ram Ekbal Ray R/o Vill.- Randaha, P.S- Baranti, Dist.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhash kumar S/o Harikant Paswan R/o vill.- Balatad P.S. - Bidupur Distt.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr.Anita Kumari Singh, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

6 25-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State. None appears on behalf of respondent No. 2.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 10.12.2024 passed by learned Exclusive Special Court (SC/ST Act)-A.D.J., Vaishali at Hajipur, in A.B.P. No. 2677 of 2024 arising out of Bidupur P.S. Case No. 567 of 2024 registered under Sections 115(2), 126(2), 109, 303(2) and 352 of B.N.S. and Sections 3(1)(r)(s) and 3(2)(va) of Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, the informant, namely Subhash Kumar alleged that on 30.07.2024 at about 07:30 AM, when the informant went to worship in Shiv Temple, in the meantime, some altercation took place with the appellant no.1 (Ravi Kumar). After some time, the appellants and other co-accused persons along with 4-5 unknown persons armed with weapon, lathi and danda came and started assaulting the informant, when brother of the informant came to rescue he was also assaulted by means of farsa due to which he received head injury and fell on the ground, Ravi Kumar (appellant no.1) assaulted his younger brother, namely Vikash with farsa on his head with intention to kill due to which he also sustained injury and fell unconscious on the ground. It is further alleged that all the accused persons abused the informant and the co-accused Raju Kumar snatched gold chain from his neck.

4. Learned counsel for the appellants submits that the appellants, they have one criminal antecedent, are innocent and have not committed any offence. He further submits that there is a case and counter-case between the parties. The alleged



occurrence took place suddenly without any premeditation to kill, although there is specific allegation of assault by appellant no.1 on the head of the informant and his brother Vikash, but the injury report which has been annexed as Annexure-P/3 series would go to show that the informant and his brother have received simple injuries and the doctor has opined that the injuries may be caused by hard and blunt object while the allegation is of assault by farsa (sharp cutting weapon). It has also been submitted that the appellants side have also received injuries and the treatment of the appellants at Sadar Hospital and the injury report has been annexed as Annexure-P/4. It is further submitted that there is a delay of more than two months in lodging the FIR. The injuries on the person of the appellants have not been explained by the informant side. The allegation has not been allegedly committed within the public view. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that the appellants are actively involved in the present occurrence.

6. Considering the entire facts and circumstances of



the case particularly the fact that there is a delay of over two months in lodging the FIR and there being case and counter-case between the parties, the alleged offence having taken place without premeditation to kill and the injury report of informant and his brother are simple in nature caused by hard and blunt substance, let the above named appellants, in the event of their arrest/surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (SC/ST Act)-A.D.J., Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 567 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, this appeal is allowed and the impugned order dated 10.12.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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