

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1188 of 2025

Arising Out of PS. Case No.-625 Year-2024 Thana- BELAGANJ District- Gaya

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1. Nagendra Kumar Pankaj Son of Babu Chand Yadav Ex Mukhiya, Resident of Village- Raghuwar Bigha, Police Station- Belaganj, District- Gaya, Bihar.
 2. Kundan Kumar@Kundan Kumar Pankaj Son of Nagendra Kumar Pankaj Resident of Village- Raghuwar Bigha, Police Station- Belaganj, District- Gaya, Bihar.
 3. Ganesh Kumar Yadbendu Son of Laxman Yadav Resident of Village- Raghuwar Bigha, Police Station- Belaganj, District- Gaya, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Agnesh Kumar S/o Rajendra Ram @ Rajendra Kumar Resident of Village- Salepur, P.S.-Belaganj, District- Gaya, Bihar.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sunil Kumar Yadav, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-04-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 06.02.2025 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 303(2), 352, 351(2) and 3(5) of the B.N.S., Section 3(i)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

4. As per prosecution case, on 12.11.2024 at about 7:30 PM, as soon as the informant/Respondent No. 2 reached near Amjhar Village, all these appellants, along with 8 to 10 unknown persons, abused him with caste name, assaulted him and also snatched his booth packet of Amjhar Village and gold chain and also threatened to kill him.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Appellants have falsely been implicated in this case due to political rivalry. Allegation of assault and abuse by caste name is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Moreover, during pendency of this appeal, the case has already been compromise between the parties a joint compromise petition duly signed by both the sides has also been filed, copy of which is Annexure-A/2 to this appeal. It is further submitted that 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 these appellants.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and compromise between the parties, this appeal is allowed and the impugned order dated 06.02.2025 passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Gaya in connection with A.B.P. No. 387 of 2024 arising out of Belaganj P.S. Case No. 625 of 2024 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T. (POA) Act, Gaya in connection with Belaganj P.S. Case No. 625 of 2024.

(Prabhat Kumar Singh, J)

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