

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1584 of 2026

Arising Out of PS. Case No.-247 Year-2025 Thana- GAIGHAT District- Muzaffarpur

1. Mohit Kumar @ Mohit Sahni S/O Ram Kishore sahni Resident of Village - Bhusra, P.S- Gaighat, Dist- Muzaffarpur
2. Rohit Kumar @ Rohit Sahni S/o Ramkishor Sahni Resident of Village Bhusra, P.S.-Gaighat, District-Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Asheshwar Ram S/o Late Janak Ram Resident of Village-Locha, P.S.- Gaighat, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sheo Kumar Prasad
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-07-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. The present memo of appeal has been preferred against the Judgment and Order dated 31.01.2026 passed by the learned Exclusive Special Court, SC/ST Act, Muzaffarpur in ABP No. 4408 of 2025 in connection with Gaighat P.S. Case No. 247 of 2025 registered for the offences punishable under Sections 103, 238 and 3(5) of the B.N.S. and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act, whereby the prayer for



anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, the appellants are alleged to have called the deceased from his house and taken him away before the occurrence. Subsequently, the dead body of the deceased was recovered in a brutally injured condition with grievous injuries on different parts of the body. It has further been alleged that when the informant approached the accused persons, they abused him by taking the name of his caste and also intimidated him. The prosecution further alleges that the deceased had previous dealings with the accused persons in relation to illegal liquor business.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of the SC/ST Act is made out. Therefore, the present appeal seeking anticipatory bail is maintainable. He further submits that the only role assigned to the appellants is that of abusing the informant. The appellants have clean antecedents.

5. Learned counsel for the State has vehemently opposed the prayer of the appellants.

6. From a reading of the entire FIR, it does not appear that any offence has been committed against the informant and



his family members on the ground that they are members of the SC/ST community. *Prima facie*, the allegations under the provisions of the SC/ST Act do not appear to be attracted.

7. In these circumstances, in the opinion of this Court, the present appeal seeking anticipatory bail is maintainable.

8. Considering the rival submissions of the parties and the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the appellants. Accordingly, the Judgment and Order dated 31.01.2026 passed by the learned Exclusive Special Court, SC/ST Act, Muzaffarpur in ABP No. 4408 of 2025 in connection with Gaighat P.S. Case No. 247 of 2025 is hereby set aside.

9. Let the appellants, in the event of their 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 Court below where the case is pending/successor Court in connection with Gaighat P.S. Case No. 247 of 2025, subject to the conditions laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. The appeal stands allowed.

11. It is made clear that any observation made herein



is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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