

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2038 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Vikash Gupta @ Vikash Kumar S/o Ram Pratap Sah @ Ram Pratap Gupta R/o Village- Manjhaul, PS- Cheria Bariarpur, Distt.- Begusarai
 2. Sakir @ Md. Sakier @ Md. Sakier Alam S/o Md. Sabik Alam @ Md. Shatique Alam R/o Village- Pabra, PS- Cheria Bariarpur, Distt.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Chaudhari S/o Harilal Chaudhari R/o Village and Post- Cheria Bariarpur, PS- Cheria Bariarpur, Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Swati Parmar, Advocate
For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-07-2026 1. Heard learned counsel for the appellants and
learned Special P.P. for the State, Ms. Usha Kumari No. 1.

2. This is an appeal under Section 14-A(2) of the
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 02.04.2025 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act,
Begusarai in connection with Cheria Bariyarpur P.S. Case No.
19 of 2025 registered for the offences punishable under Sections
of the Indian Penal Code as well as Sections 190, 191(2),



191(3), 109(1), 352, 351(1) of the BNS, 2023 and under Section 27 of Arms Act and under Sections 3(1)(2) (va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that respondent no. 2 despite receiving notice chooses not to appear and contest, it is next submitted appellants are persons with clean antecedent and the informant alleges that no confidence motion was moved against the *Pramukh* and *Up pramukh* by Manoj Bharti on 19.02.2025, the informant being Panchayat Samiti member was against the no confidence motion, hence on 19.02.2025 at 11:00 AM, seven named accused persons including the appellants came to his house and fired seven rounds, but he was not present in his house though his mother was and firing was made by Manoj along with co-accused persons and seven empty cartridges were recovered from the place of occurrence, further Vikash abused by taking caste name.

4. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant with general and omnibus allegations, it is further submitted that informant himself alleges that he was not present in his house, but then also alleges that



accused persons came and fired at his house, but then does not disclose how he came to know that it were the accused persons including the appellants who came and fired at his house, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to no confidence motion, the occurrence is alleged to have taken place, it is further submitted that the dispute is political and appellants are persons with clean antecedent, it is also submitted that since appellants are political adversary of the informant, as such, they have been been implicated in the instant case, it is also submitted that allegation of abuse is alleged to have taken place at the house of the informant thus was not in public view and no one was injured in the firing.

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

6. In view of the submissions made by the learned counsel for the appellants, the order dated 02.04.2025 **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court



where the case is pending/successor court in connection with
Cheria Bariyarpur P.S. Case No. 19 of 2025 subject to the
conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

Nitesh/-

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