

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2472 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- BAKHARI District- Begusarai

Prabhat Kumar Son of Bablu Kumar Ray @ Bablu Kumar Ramlakhan Rai
R/O- Village- Sugga, P.S.- Bakhri, District- Begusarai.

... .. Appellant

Versus

1. The State of Bihar
2. Rajo Paswan son of Brahamdeo Paswan village- Babhain, Ward no. 10, Ps- Bakhri, Dist- Begusarai

... .. Respondents

with

CRIMINAL APPEAL (SJ) No. 2871 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- BAKHARI District- Begusarai

Pritesh Kumar Son of Surendra Roy @ Jawahar Patel Resident of Village
-Sugaa Ward No 6 PS -Bakhri District- Begusarai

... .. Appellant

Versus

1. The State of Bihar
2. Rajo Paswan son of Brahmdeo Paswan village- Babhen, Ps- Bakhri, Dist- Begusarai

... .. Respondents

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2472 of 2025)

For the Appellant : Mr. Kaushal Kishore, Advocate
For the Respondent-State: Mr. Binay Krishna, Spl. PP
For the Respondent No.2: Mr. Vinod Kumar Seth, Advocate
Mr. Arvind Kumar, Advocate

(In CRIMINAL APPEAL (SJ) No. 2871 of 2025)

For the Appellant : Mr. Rahul Singh, Advocate
For the Respondent-State: Mr. Binay Krishna, Spl. PP
For the Respondent No.2: Mr. Vinod Kumar Seth, Advocate
Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 18-02-2026 As both these appeals arise out of the same Bakhri

P.S. Case No.160 of 2025, with the consent of the parties, the

same are being heard and disposed of.

2. Heard learned counsel for the appellant(s),



learned Special Public Prosecutor appearing for the State and learned counsel for respondent No.2.

3. Both these appeals under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are directed against the orders dated 30.05.2025 and 30.06.2025 passed by learned Exclusive Special Judge SC/ST (POA) Act, Begusarai, respectively in A.B.P. No.1047 of 2025 and A.B.P. No. 1307 of 2025, in connection with Bakhri P.S. Case No. 160 of 2025, registered under Sections 126(2), 115(2), 352, 109(1), 3(5) of the Bhartiya Nyay Sanhita, 2023, Section 27 of the Arms Act and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant(s) has been rejected.

4. As per the prosecution case, the informant, Rajo Paswan, alleged that on 03.05.2025 at 06:30 PM, one Chattis Kumar made a call to his son asked him to come to Babhen Bhawra Pul and when his son along with his friends went there, the appellants along with others started abusing his son by his caste name and also assaulted him. In the meanwhile, one Vishal Kumar while abusing his son with his caste name, pulled out pistol and opened fire upon him with an intention to kill him as a result of which he sustained gun shot injury on his right thigh



and they fled away.

5. Learned counsel for the appellants in both the appeals submitted that the appellants are students and denied the allegations levelled against them. It would be apparent from the FIR itself that the allegation of firing is against co-accused Vishal Kumar and the appellants and other four named accused persons and 5-6 unknown are alleged to have abused the informant's son in a public place, whereas no witnesses have been named to have witnessed the offence of abusing by taking caste name attracting the provisions of SC/ST Act.

6. Learned counsel for the respondent No.2 vehemently opposing the prayer of the appellants for grant of anticipatory bail submitted that the appellants were in association of co-accused Vishal Kumar at the time of alleged occurrence, when he had fired upon the informant's son. Moreover, the appellants had tried to eliminate his son, but luckily he was saved.

7. Learned Special Public Prosecutor for the State also opposed the prayer for grant of anticipatory bail to the appellants.

8. Considering the fact that even though there is no allegation against the appellants of firing at the informant's son or even they were armed with any lethal weapon, the allegation



of firing are not against the appellants, moreover, the alleged abuse does not appear to have been made in public view as no persons are claimed to be present at the place of occurrence and even though the informant specifically claims that his son was injured by bullet fired by co-accused Vishal Kumar, there is no injury report on the record to substantiate the said allegation, 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 Judge SC/ST (POA) Act, Begusarai, in connection with Bakhri P.S. Case No. 160 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

9. Accordingly, this appeal is allowed and the impugned orders dated 30.05.2025 and 30.06.2025 rejecting the prayer for grant of anticipatory bail to the appellants are set aside.

(Praveen Kumar, J)

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