

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2527 of 2025**

Arising Out of PS. Case No.-171 Year-2024 Thana- YADOPUR District- Gopalganj

Kamalkant Choubey @ Ritik Baba @ Kamalakant Choubey S/O Akhileshwar
Choubey R/O Village- Ekderwa, P.S- Gopalganj, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Aakash Kumar S/O Jan Bahadur Singh R/O Village- Jadopur, P.S- Jadopur,
Dist.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Priyanka Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 09-02-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. The instant appeal has been filed by the appellant
against the order dated 22.05.2025 passed by Learned
Additional Sessions Judge 11-cum-Special Judge, SC/ST Act,
Gopalganj whereby the prayer for anticipatory bail of the
appellant in connection with Yadopur P.S. Case No. 171 of 2024
under Sections 126(2), 115, 118(2), 109(3), 3(5) of the
Bharatiya Nyaya Sanhita, 2023 [later on Section 103(1) of the
Bharatiya Nyaya Sanhita, 2023 was added], read with Sections
3(1)(r)(s) and 3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that while the informant and others were riding a motorcycle, co-accused Raushan Kumar and his associates stopped them at a secluded place and attempted to rob them at gunpoint. When they protested, co-accused Sonu Yadav and Manoj Yadav attacked the informant and others with a knife, causing serious injuries.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant also submitted that the appellant is not named in the FIR. Name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Ghanshyam Yadav and the same has got no evidentiary value. It is next submitted that the allegation levelled against the appellant is not specific rather the same is general and omnibus in nature. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant has got no criminal antecedent. Other co-accused has been granted regular bail by this Court vide order dated 15.05.2025 passed in Cr. Appeal (S.J.) No.



1183 of 2025.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that the appellant is not named in the FIR but, his name has transpired in this case on the basis of confessional statement of co-accused person. It is further submitted that co-accused, namely, Ghanshyam Yadav has confessed the involvement of the appellant in the alleged occurrence in paragraph no. 147 of the case diary. Hence, the appellant does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case as also nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the appellant at this juncture.

7. Accordingly, the appeal stands dismissed.

(Rudra Prakash Mishra, J)

Rajorshi/-

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