

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2610 of 2025

Arising Out of PS. Case No.-192 Year-2025 Thana- OBRA District- Aurangabad

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1. Suresh Yadav S/o- Late Prabhu Yadav Village- Tara PS- Obra Distt- Aurangabad
 2. Bir Kumar S/o- Suresh Yadav Village- Tara PS- Obra Distt-Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhim Paswan S/o- Rampati Paswan R/o- Vill- Tara Ps- Obra Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Sp.P.P.
For the Informant	:	Ms. Leelawati Kumari, Advocate
		Mr. Aman Vishal, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-04-2026 Heard learned counsel for the parties concerned.

2. An order, dated 19.06.2025, passed by learned District & Additional Sessions Judge, 1st-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad (Bihar), in ABP No. 1391 of 2025, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Obra Police Station Case No. 192 of 2025, registered for the offence punishable under Sections 190, 191(2), 126(2), 115(2), 351(2), 117(2) and 352 of Bhartiya Nyaya Sanhita, 2023



and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989, has been rejected.

3. As per the prosecution story on 19.05.2025, the informant was in his field, cutting paddy crops on the land of one Tulsi Paswan. Meanwhile, appellants, along with other accused persons, arrived there, abused the informant, snatched the key of the tractor, and caught hold of the informant, and co-accused Raushan Kumar assaulted him with lathi and when the informant fell down, the other co-accused persons, Raj Kumar Yadav and Raushan Kumar, again assaulted the informant with lathi due to which the informant sustained fracture injury on his shoulder.

4. Learned counsel for the appellants submits that both the parties are co-villagers and the occurrence has taken place on a trivial issue of fighting between children of both sides in School. A counter case has been lodged by the side of the appellants bearing Obera P.S. Case 196 of 2025 against the informant and others. No specific overt act has been alleged against the appellants and the allegation of assault is against other co-accused persons. The appellants are having no criminal antecedents. There is no allegation of calling the informant by caste name; the allegation is general and omnibus in nature and



that too not in full public view.

5. On the other hand, learned counsel for the informant/respondent no. 2 opposed the prayer for anticipatory bail and submits that the appellants are named in the FIR and specific allegations against them that they, along with co-accused persons, abused the informant by his caste name.

6. Regards being had to the submissions made by the parties, taking into consideration the nature of the allegations and the fact that the occurrence took place due to quarrel between the children, a counter case has also been lodged by the side of the appellants, and the allegation of abusing by caste name is not in full public view, and no specific overt act has been alleged against the appellants, I am inclined to grant the appellants privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated 19.06.2025, passed by learned District & Additional Sessions Judge, 1st-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad (Bihar), in ABP No. 1391 of 2025, is set aside.

8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four 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 District & Additional Sessions Judge, 1st-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad (Bihar), in connection with Obra Police Station Case No. 192 of 2025, subject to the condition laid down under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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