

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2723 of 2025

Arising Out of PS. Case No.-220 Year-2025 Thana- BUXAR MUFFSIL District- Buxar

1. Lohar Raut, S/o- Bhikhari Raut @ Bhikhati Ram @ Ashok Ram, Resident of Village- Islampur, Police Station- Buxar M, District- Buxar
2. Bhikhari Raut @ Bhikhari Ram @ Ashok Ram, S/o- Late Devali Ram, Resident of Village- Islampur, Police Station- Buxar M, District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Munna Ram, S/o- Late Khaderan Ram, Resident of Village- Islampur, Police Station- Buxar M, District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amit Kumar Mishra, Advocate Mr. Anirudh Mishra, Advocate Mr. Prabha Gautam, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P. Mr. Vishwanand Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-05-2026 Heard the learned counsel for the appellants, the learned counsel for the informant/respondent no. 2 and the learned Spl. P.P. for the State through virtual mode.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [*in short the SC/ST (POA) Act*] against the rejection of prayer for bail *vide* order dated 17.06.2025 passed by the learned District & Additional Sessions Judge-I -cum- Special Judge SC/ST (POA) Act, Buxar, in A.B.P. No. 653 of 2025, in connection with Buxar (M) P.S. Case No. 220 of



2025, registered for the offence(s) under Section(s) 126(2), 115(2), 117, 109, 351, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act, and Section(s) 3(1)(r)(s) and 3(2)(va) of the SC/ST (POA) Act.

3. As per the prosecution case, the six FIR named accused persons came variously armed with fire arms and started abusing the minor daughter of the informant. It is alleged that the appellant no. 2 along with others even abused the minor daughter of the informant and thereafter, Rinku Ansari and Bhikhari Raut (appellant no. 2) instigated Modi Ansari and Gorakh Raut to kill the informant upon which, Modi Ansari and Gorakh Raut fired from their respective fire arms which hit the informant. It has further alleged that the accused persons had fired again upon Ramwati Devi and Bablu Singh, however, they managed to escape.

4. The learned counsel for the appellants submits that the appellants themselves are belonging to the Scheduled Castes category and therefore, the allegations under SC/ST (POA) Act is not attracted against them. It has further been submitted that from the plain reading of FIR, it would be evident that there is no specific allegation of assault upon the present appellants and as far as Lohar Raut (petitioner no. 1) is concerned, he is stated



to be only a member of the mob. It has next been submitted that even if the allegation against Bhikhari Raut (appellant no. 2) is taken into account, the same is only of abusing and instigating the other accused persons to fire. It has lastly been submitted that the injury report has been brought on record by way of Annexure-P/2 and from perusal of the same, it was found to be simple in nature. Moreover, Lohar Raut (appellant no. 1) has one criminal antecedent while Bhikhari Raut (appellant no. 2) has two criminal antecedent in which they are on bail.

5. The learned counsel appearing on behalf of respondent no. 2 as also the learned Spl. P.P. for the State have vehemently opposed the prayer for bail. The learned counsel for the respondent no. 2 has stated that the appellants were armed and had approached the informant with a view to commit his murder, however, the informant was luckily escaped with simple injury, but the intentions of the appellants to commit his murder. It has further submitted that as far as appellant no. 2, namely, Bhikhari Raut is concerned he has also abused the daughter of the informant with caste name and had also instigated the other accused persons to fire upon the informant.

6. Having considered the aforesaid submissions and taken into account the fact that there is no specific allegation of



overt act against the appellants, let the appellants, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) 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 Buxar (M) P.S. Case No. 220 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the appellants shall be their close relative and the other shall be a local resident.

(ii) The appellants shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions, without reasonable cause, or in violation of the terms of the bail, the bail bonds of the appellants will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the appellants and in case, at any stage, it is found that they have concealed their criminal antecedents, the Court concerned shall take necessary steps for cancellation of their bail bonds. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of



verification.

(v) The appellants shall in no manner threaten or try to contact or influence the informant/respondent no. 2.

7. Accordingly, the impugned order, referred to above, is set aside.

8. The appeal stands allowed.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during trial.

(Sourendra Pandey, J)

krishna/deepak/-

U		T	
---	--	---	--

