

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3054 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- BANIAPUR District- Saran

Vicky Kumar Son of Rajesh Singh village- Dumari Adda PS- Doriganj, Dist- Saran at chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhananjay Rai Son of Late Sadhu Rai village- Yadav Chapar, PS- Kumar Bag, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Chandra Mohan Jha, Advocate.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. PP.
For the Informant	:	

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-02-2026 Heard learned counsel appearing on behalf of the appellant, learned Spl. PP for the State and learned counsel for the informant.

2. The appellant has preferred the appeal under Section 14(A)(2) of the SC/ST Act against the rejection of prayer for pre-arrest bail vide order dated 30.06.2025 passed by learned Exclusive Special Judge, SC/ST, Saran at Chhapra in Baniyapur P.S. Case No. 209 of 2025 registered under Sections 127(1), 115(2), 121(1), 121(2), 132, 109, 303(2) and 3(5) of the BNS and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. As per the allegation made in the F.I.R. which is against unknown, the accused persons including the appellant



assaulted the police party in which one of the constable was of scheduled caste who was abused in public view.

4. Learned counsel appearing on behalf of the appellant submitted that the appellant is not named in the F.I.R nor he was member of the Barat. In this regard, he has made specific statement in Paragraph no. (vi) of the present appeal. Learned counsel further submitted that the allegation levelled against the appellant is not specific rather general and omnibus and the name of the appellant has surfaced in the case on the disclosure made by co-accused Sumit Kumar Singh. The appellant has clean antecedent. Considering the vague allegation against the appellant on the basis of custodial interrogation of co-accused Sumit Kumar Singh, learned counsel seeks that the appellant be released on pre-arrest bail.

5. Learned Spl.PP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the appellant.

6. Having heard the rival submissions made on behalf of the parties, as well as, having considered the allegations made in the F.I.R. and in light of the recent clarification made by the Apex Court in the case of *Kiran Vs. Rajkumar Juvraj Jain & Anr.* in *Special Leave Petition (CRL.) No.8169 of 2025*, I find that in absence of any specific allegation against the appellant,



even though the alleged incidence took place in public view, the allegations are not sustainable against the appellant for the reason that the name of the appellant has surfaced in course of investigation on the basis of confessional statement of co-accused Sumit Kumar Singh and in absence of the victim having taken the name of the appellant that he is the one who had assaulted the informant and in absence of any allegation that the appellant had used any caste name in public view against the constable Rajesh Ram rather the specific allegation against the appellant is based on the confessional statement that he had assaulted the informant on his head causing injury, the allegation being vague, I find that prima facie the appellant has made out a case to be released on pre-arrest bail.

7. The appellant, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Baniyapur P.S. Case No. 209 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.



8. Accordingly, the impugned order is set aside and appeal is allowed.

(Purnendu Singh, J)

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