

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3476 of 2025

Arising Out of PS. Case No.-562 Year-2024 Thana- GAURICHAK District- Patna

-
-
1. Manoj Ram S/O Siyaram R/O Bibipur, Masarhi, P.S.- Gaurichak, District- Patna
 2. Santosh Ram @ Santosh Kumar S/o Siyaram R/O Bibipur, Masarhi, P.S.- Gaurichak, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajiv Paswan S/O Surendra Paswan R/O Vill.- Bibipur, Masarhi, P.S.- Gaurichak, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Mr. Vijay Anand, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. N.A. Shamshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 09-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State as also learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 06.06.2025 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Patna whereby the prayer for anticipatory bail of the appellants in connection with Gaurichak PS Case No. 562 of 2024 instituted under Sections 103(1), 109 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act was rejected.



3. The prosecution case, in brief, is that on 10.10.2024 all the named accused persons, armed with firearms, came to the door of the informant, abused him and opened indiscriminate firing. During the firing, a bullet hit the informant's son on his forehead causing his death, while Sunita Devi sustained a gunshot injury on her right arm and Kaushal Paswan narrowly escaped injury. After committing the offence and threatening the family members with dire consequences, the accused persons fled from the place of occurrence.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no specific allegation against the appellants, rather the same is general and omnibus in nature. Learned counsel for the appellants further submits that the appellant have 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants bear no criminal antecedent each.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants.



6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the appellants, this Court is inclined to allow the appeal. Accordingly, the appeal is allowed and order dated 06.06.2025 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Patna is hereby set aside.

7. Let the appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each 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 Gaurichak PS Case No. 562 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

