

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3962 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- KAJRAILI District- Bhagalpur

1. Uttam Kumar @ Uttam Thakur son of Krishn Mohan Thakur @ Krishn Kumar Resident of Village- Daradhi Bahadurpur Police Station -Kajraili, dist- Bhagalpur
2. Bishal Kumar @ Bishal Thakur son of Sanjay Thakur Resident of Village- Daradhi Bahadurpur Police Station -Kajraili, dist- Bhagalpur
3. Ashish Kumar son of Krishn Mohan Thakur @ Krishn Kumar Resident of Village- Daradhi Bahadurpur Police Station -Kajraili, dist- Bhagalpur
4. Ravindra Thakur @ Ravindra Kumar Thakur son of Late Suresh Thakur @ Late Suresh Prasad Thakur Resident of Village- Daradhi Bahadurpur Police Station -Kajraili, dist- Bhagalpur
5. Krishn Kumar @ Krishn Mohan Thakur Son of Naresh Thakur Resident of Village- Daradhi Bahadurpur Police Station -Kajraili, dist- Bhagalpur
6. Abhimanu Kumar @ Abhimanu Thakur son of Krishn Mohan Thakur @ Krishn Kumar Resident of Village- Daradhi Bahadurpur Police Station -Kajraili, dist- Bhagalpur
7. Ajay Thakur @ Manoranjan Kumar son of Late Suresh Thakur @ Late Suresh Prasad Thakur Resident of Village- Daradhi Bahadurpur Police Station -Kajraili, dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Girja Devi Wife of Late Navin Chandra Niwash @ Nakul Das Resident of Village- Daradhi Bahadupur, Ps- Kajraili, Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellants	:	Dr. Manoj Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Swapnil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-04-2026 Heard learned counsel appearing for the appellants,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the

informant/Respondent No. 2.



2. This appeal has been filed for setting aside order dated 28.08.2025 passed in a case registered for the offence punishable under Sections 103(1) and 3(5) of the B.N.S. and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. As per the prosecution case, it is alleged that all the F.I.R. named accused persons, including these appellants, have abused the informant/Respondent No. 2 and others by their caste name and have also assaulted them. It has further been alleged that on account of such assault, the husband of the informant/respondent No. 2 received injury and later on, he died.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. As matter of fact, appellants have falsely been implicated in this case due to caste rivalry. It is further submitted that the deceased was a heart patient and due to high volume of D.J. music, he died and taking advantage of the situation, this false and concocted case has been lodged. The



aforesaid fact is also fortified from bare perusal of *post mortem* report of the deceased wherein the doctor has opined death of husband of informant as natural death caused due to disease in heart and lungs. It has next been submitted that as per F.I.R., altogether 18 persons assaulted informant and her family members, however, from the perusal of the external injury, it would be evident that only one bruise of size 1" x 0.5" was present over the forehead. Thus, the allegation of assault stands falsified by the injury report. Moreover, it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. It is lastly submitted that co-accused Sandeep Choudhary, having similar and identical allegations, has already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 24.02.2026 passed in *Cr. Appeal (SJ) No. 4246 of 2025*. Appellants claim clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.



6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, materials that have surfaced during investigation, claim based on parity and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 28.08.2025 passed by the learned District and Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with A.B.P. No. 1870 of 2025 arising out of Kajraili P.S. Case No. 45 of 2025 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 and Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Kajraili P.S. Case No. 45 of 2025.

(Prabhat Kumar Singh, J)

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