

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3976 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- SC-ST District- Arwal

1. Akhilesh Kumar S/O Chandeshwar Yadav Resident of Village - Fakharpur, Police Station and District - Arwal, Bihar
2. Om Prakash Kumar S/O Suresh Yadav @ Doman Sardar Resident of Village - Fakharpur, Police Station and District - Arwal, Bihar
3. Jai Prakash Kumar S/O Suresh Yadav @ Doman Sardar Resident of Village - Fakharpur, Police Station and District - Arwal, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kameshwar Prasad Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Sp.PP
For the Respondent No. 2	:	Mr. Dheeraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 08-05-2026 Heard Mr. Kameshwar Prasad Sinha, learned counsel for the appellants, Mr. Dheeraj Kumar, learned counsel appearing on behalf of the Respondent No. 2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 01.09.2025 passed by the learned Court of Additional Sessions Judge I cum Special Judge SC/ST Jahanabad in connection with Arwal SC/ST P.S. Case No. 10/2025, F.I.R. dated 11.07.2025 registered under Sections 126(2), 191(2), 191(3), 190, 115(2), 118(1), 109, 352, 351(2) of the B.N.S and later on added 103 of



the B.N.S. and Sections 3(1) (i) (r) (s) and 3 (2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, on 10.07.2025 at about 07:00 pm, while his son Aman Kumar was returning to home in running condition from Dariyapur filed after physical practice and reached near Taudi temple, owner of Bablu Paan shop abused him using caste slurs and in the meantime Pawan Kumar, Om Prakash Kumar, Jaiprakash Kumar, Akhilesh Kumar started abusing and assaulting his son and brutally injured his son. After hearing regarding altercation, informant along with his other family members reached at the alleged place of occurrence and noticed that Pawan Kumar thrown jack machine upon the head of his son from the roof of Suresh Yadav, Chandeshwar Yadav was ordering others accused persons who were equipped with lathi danda for assaulting informant's son and both of them were abusing his son by using caste slurs. During course of assault, Akhilesh Kumar took out golden locket from the neck of his son namely Aman Kumar. On *hulla* others family members of informant gathered there, then accused persons fled away. They took away his son to hospital for treatment from where he was referred to PMCH for better treatment and during course of treatment he died.



4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants has not committed any offences as alleged in the F.I.R. The present case is counter-blast of Arwal P.S. Case No. 265/2025 lodged against the informant by the accused person. There is no specific overt act of assault against the appellants rather there is general and omnibus allegation against the appellant.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and there is no specific overt act of assault against the appellants, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two surities of the like amount each to the satisfaction of learned Court of Additional Sessions Judge I cum Special Judge SC/ST Jahanabad in connection with Arwal SC/ST P.S. Case No. 10/2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

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

(Rajesh Kumar Verma, J)

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