

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4107 of 2025

Arising Out of PS. Case No.-738 Year-2025 Thana- MAHUA District- Vaishali

1. Abhishek Kumar S/o Lal Bachan Rai Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali
2. Harindar Rai @ Harendra Rai S/o Late Ramsurat Rai Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali
3. Lakhindra Rai @ Lakhendra Rai S/o Late Ramsurat Rai Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali
4. Lal Bachan Rai S/o Late Ramsurat Rai Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali
5. Pappu Rai @ Pappu Kumar S/o Harindar Rai @ Harendra Rai Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali
6. Raju Kumar S/o Harindar Rai @ Harendra Rai Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali
7. Dhiraj Kumar S/o Harindar Rai @ Harendra Rai Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali
8. Pankaj Kumar S/o Harindar Rai @ Harendra Rai Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Amod Kumar Ram S/o Late Ramprit Ram Resident Of Village- Khanpatti, Po- Rasulpur Fateh, Ps- Mahua, Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Janardan Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-04-2026 Heard Mr. Ajay Kumar Tiwary, learned counsel for the appellant and Mrs. Usha Kumari 1, learned Spl. PP representing the State as also Mr. Janardan Prasad Singh, learned counsel representing the informant.

2. This appeal has been filed for setting aside the



order dated 19.08.2025 passed by the learned Exclusive Special Judge, SC/ST Act-cum-District & Additional Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 738 of 2025 registered for the offence punishable under sections 126(2), 115(2), 303(2), 352, 351(2) and 3(5) of the B.N.S. and section 3(1)(r)(s)(w)(i) and 3(2)(va) of the SC and ST (POA) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that there was a marriage in the family, on the same day, the appellant Pappu Rai started digging land. Upon the opposition by the mother and sister-in-law of the informant, he took caste name and assaulted them. Later Pappu Rai called his associates and the allegation is that Lakhindra Rai and Abhishek assaulted the informant as a result of which he became unconscious and taken to Government Hospital, Mahua and thereafter referred to Hajipur Sadar Hospital for City Scan. This led to the F.I.R..

4. Learned counsel for the appellants submit that exaggerated F.I.R. is there and further to attract SC and ST Act, the caste name has been incorporated. Most of the appellants do not have criminal antecedent and if granted relief, they shall be diligently appearing in trial.



5. Learned counsel representing the informant as also learned Spl. PP opposes the prayer submitting that their role cannot be ignored specially the entire episode has been created by Pappu Rai and main allegation of assault is on Abhishek and Lakhindra Rai of giving blow to the informant as a result of which he became unconscious.

6. Considering the submissions of the parties as recorded above, so far as the anticipatory bail application of the appellant no. 1, Abhishek Kumar, appellant no.3, Lakhindra Rai @ Lakhendra Rai and appellant no.5, Pappu Rai @ Pappu Kumar are concerned, no relief can be extended to them, their anticipatory bail application stands rejected.

7. So far as the other appellants are concerned, considering the omnibus allegation against them and most of them have no criminal antecedent, main allegation is against Abhishek Kumar and Lakhindra Rai and the entire episode has been created by Pappu Rai, in that background, this Court is inclined to extend relief to rest of the appellants.

8. The impugned order dated 19.08.2025 passed by the learned Exclusive Special Judge, SC/ST Act-cum-District & Additional Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 738 of 2025 stands set aside and the



appeal is allowed with respect to the appellant nos. 2, 4, 6, 7 and 8 namely Harindar Rai @ Harendra Rai, Lal Bachan Rai, Raju Kumar, Dhiraj Kumar and Pankaj Kumar respectively.

9. Let the appellant nos. 2, 4, 6, 7 and 8 namely Harindar Rai @ Harendra Rai, Lal Bachan Rai, Raju Kumar, Dhiraj Kumar and Pankaj Kumar respectively, 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 the learned Exclusive Special Judge, SC/ST Act-cum-District & Additional Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 738 of 2025.

(i) one of the bailor should be the family member/relative of the appellant nos. 2, 4, 6, 7 and 8 namely Harindar Rai @ Harendra Rai, Lal Bachan Rai, Raju Kumar, Dhiraj Kumar and Pankaj Kumar who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the appellant nos. 2, 4, 6, 7 and 8 namely Harindar Rai @ Harendra Rai, Lal Bachan Rai, Raju Kumar, Dhiraj Kumar and Pankaj Kumar shall be appearing before the Police



Station as and when required for cooperating in the investigation;

(iii) the appellant nos. 2, 4, 6, 7 and 8 namely Harindar Rai @ Harendra Rai, Lal Bachan Rai, Raju Kumar, Dhiraj Kumar and Pankaj Kumar shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the appellant nos. 2, 4, 6, 7 and 8 namely Harindar Rai @ Harendra Rai, Lal Bachan Rai, Raju Kumar, Dhiraj Kumar and Pankaj Kumar shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the appellant nos. 2, 4, 6, 7 and 8 namely Harindar Rai @ Harendra Rai, Lal Bachan Rai, Raju Kumar, Dhiraj Kumar and Pankaj Kumar shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the appellant nos. 2, 4, 6, 7 and 8 namely



Harindar Rai @ Harendra Rai, Lal Bachan Rai, Raju Kumar, Dhiraj Kumar and Pankaj Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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