

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4164 of 2025

Arising Out of PS. Case No.-377 Year-2025 Thana- BARHARIA District- Siwan

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1. Bali Singh @ Bali Ram Prasad Son of Shiv Shankar Prasad @ Shiv Shankar Singh R/O Village - Chotka Rohra, P.S.- Barhria, Distt.- Siwan, Pin - 841438.
 2. Sunil Singh @ Sunil Kumar Son of Shiv Shankar Prasad @ Shiv Shankar Singh R/O Village - Chotka Rohra, P.S.- Barhria, Distt.- Siwan, Pin - 841438.
 3. Govinda Chauhan @ Govinda Kumar Son of Sharma Mahto @ Sharma Chauhan R/O Village - Hakim Tola, P.S.- Barhria, Distt.- Siwan, Pin - 841438.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bittu Ram Son of Ram Ashish Ram R/O Malik Tola, P.O.- Barhadiya, P.S.- Barhadiya, Distt.- Siwan, Pin Code - 841438.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parth Gaurav, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-05-2026 1. Heard learned counsel for the appellants and learned Special P.P. for the State, Ms. Usha Kumari 1.

2. The learned counsel for the appellant submits that respondent no. 2 despite receiving notice chooses not to appear and contest.

3. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.09.2025 in A.B.P. No. 2669 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge,



Siwan in connection with Barharia P.S. Case No. 377 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2) and 3(5) of the BNS, 2023 as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

4. Learned counsel for the appellants submits that appellant no. 1 has antecedent of two cases, appellant no. 2 has antecedent of one case and appellant no. 3 is a person with clean antecedent and the informant alleges that on 20.07.025 at 05:00 PM, Bali, Sunil and Govinda abused him by taking caste name and assaulted by lathi, fist and *danda* causing injury on head and eye on account of previous dispute, further in the occurrence two unknown accused were also present whom the informant can identify.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that allegation of abuse is general and omnibus in nature, it does not appear probable that all accused in one go would have abused the informant by taking caste name. It is also submitted that even allegation of assault is general and omnibus in nature. It is next submitted that the informant does not disclose where the occurrence took place, it is thus submitted that this perhaps explains why the respondent



no. 2 despite receiving notice chooses not to appear and contest.

6. Learned Special P.P. for the State opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 12.09.2025 in A.B.P. No. 2669 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Barharia P.S. Case No. 377 of 2025, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Barharia P.S. Case No. 377 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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