

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5428 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- KOTHI District- Gaya

1. Brajesh Singh @ Brajesh Kumar Son of Anugrah Singh R/O-Village- Raundha, P.S.- Kothi, District - Gaya
2. Uday Singh @ Uday Kumar Singh Son of Chandrika Singh R/O-Village- Raundha, P.S.- Kothi, District - Gaya
3. Abhay Singh @ Abhay Kumar Singh Son of Chandrika Singh R/O-Village- Raundha, P.S.- Kothi, District - Gaya
4. Nawlesh Singh @ Naulesh Kumar singh Son of Chandrika Singh R/O- Village- Raundha, P.S.- Kothi, District - Gaya
5. Vikash Singh @ Vikash Kumar Singh Son of Chandrika Singh R/O-Village- Raundha, P.S.- Kothi, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ankit Kumar Son of Arjun Paswan R/O-Village- Imamganj, P.S.- Imamganj, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Durgesh Nandan
For the State	:	Mr. Binay Krishna
For the Informant	:	Mr. Shailesh Kumar
		Mr. Shahbaj Alam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 13-01-2026 1. Heard the learned counsel for the appellants, the
learned Special Public Prosecutor for the State and the learned
counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 14.11.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Kothi P. S. Case No.76 of 2024, instituted for the offences under Sections 115(2), 126,



303(2), 351(2), 352 and 3(5) of the B.N.S. and Section 3(i)(r), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellant nos.1 and 2 are persons with clean antecedent and petitioner nos.3, 4 and 5 have antecedent of one case and the informant alleges that on 07.09.2024 at 9.00 P.M. he was returning to his hotel where he works as a delivery boy after delivering food at the house of Sushant Kumar Singh. It is next alleged that when he reached village Raundha when Brajesh, Uday, Abhay, Nawlesh and Vikash intercepted him and Brajesh put pistol on his temple and asked his name and caste on which he disclosed his name and caste, thereafter the accused persons started abusing him and said that in their presence he is riding a motorcycle, thereafter all the five accused persons assaulted him by legs and fists and abused by taking caste name. Further, on account of assault, the informant received injury on his lips, chest and abdomen. Further, Uday Singh went to his house and brought a rifle and thereafter on orders of Abhay, Nawlesh, Vikash and Brajesh assaulted him by butt of rifle causing injury on head and Nawlesh took out Rs.1700/- from his



pocket. Further, the informant was brought to Imamganj Government Hospital on 08.09.2024 at 12.30 A.M.

4. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, the same does not inspire confidence for the reason that it does not appear probable that at 9.30 in the night, five accused would have been waiting on the road and seeing the informant would have asked his name and caste and thereafter would have assaulted him. It is next submitted that it absolutely does not stand to reason that how the informant recognized the accused persons when in the nature of allegation as alleged, it appears that informant and the accused persons were not known to each other. It is also submitted that occurrence took place in some other manner and the informant implicated the appellants with the aforesaid allegation. It is further submitted that in the night when the informant was coming back to his hotel after delivering the food at the house of Sushant, he dashed a child on account of which the villagers got enraged and assaulted him. It is also submitted that if what has been alleged in the FIR to be true, in that event, the informant would have suffered grievous injury, but then, the



injury suffered by the informant has been opined to be simple in nature. It is reiterated and submitted that only to give seriousness to the case, a false allegation is alleged that accused persons after asking the name and caste of the informant assaulted him. It is also submitted that allegation of assault and abuse is general and omnibus in nature.

5. The learned Special P. P. and the learned counsel appearing on behalf of the informant opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that appellants and informant were not known to each other from before, as such, how the informant came to know the name of the appellants and it does not appear probable that five persons in the night would have been standing on the road and would have assaulted the informant only for the reason that he belonged to a particular caste and that allegation of abuse is general and omnibus in nature.

6. Regard being had to the aforesaid submissions, the order dated 14.11.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a



period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned learned Exclusive Special Judge, SC/ST, Gaya in connection with Kothi P. S. Case No.76 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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