

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4668 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- BANNUBAGICHA District- Lakhisarai

1. Rikki Kumar S/o Kedar Yadav R/o village - Barare, P.S - Bannubagicha, District - Lakhisarai
2. Bablu Kumar Yadav @ Bablu Yadav S/o Arjun Yadav R/o village - Barare, P.S - Bannubagicha, District - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Paswan S/o Nago Paswan R/o village - Barare, P.S - Bannubagicha, District - Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Resp. No. 2	:	Mr. Mukesh Kumar, Advocate
		Mr. Shreekant Vaidya, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2026 Heard learned counsel for the appellants, learned counsel for the respondent No. 2 and learned Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) application has been filed for seeking grant of bail and setting aside the order dated 15.10.2025 in A.B.P. No. 1151 of 2025 arising out of Bannubagicha P.S. Case No. 64 of 2025 passed by the District & Additional Sessions Judge 1st-cum-Special Judge, SC/ST, Lakhisarai, for the offence punishable under sections 126(2), 115(2), 109, 352, 351(2) & 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and under Sections 3(1) (r) (s) and 3(2)(va) of the SC/ST Act.



3. As per the prosecution, FIR has been lodged against the appellants with the allegation that appellant No. 1 assaulted the informant with a *lathi* on the head, as a result of which he sustained injuries, and the appellant No. 2 used force, due to which he fell down.

4. Learned counsel for the appellants submits that the appellants are innocent and have committed no offence. Counsel submits that the appellants have clean antecedents. Counsel further submits that all the sections are bailable except Section 109 of the BNS and the provisions of the SC/ST Act. Counsel further submits that the ingredients of Sections 3(1)(r), 3(1)(s) and 3(2)(va) are not attracted in the present case.

5. Counsel further submits that from the injury report, which is Annexure P/2, it is clear that a lacerated wound is present, caused by a hard and blunt substance, and the injury is simple in nature. Counsel further submits that there is a delay of two days in lodging the FIR. Counsel further submits that both parties are residents of the same village and due to local village politics, the appellants have been made accused in the present case.

6. Learned counsel for respondent No. 2, on the other hand, vehemently opposes the prayer for bail and submits that



there are specific allegations against appellant No. 1, who is said to have assaulted the informant with a *lathi*, as a result of which injury was caused, and against appellant No. 2, there is an allegation of pushing. Counsel further submits that the provisions of the SC/ST (Prevention of Atrocities) Act are also attracted, as abusive language was used. Therefore, it is submitted that the bail application of the appellants may be rejected.

7. Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellants and submits that there is an allegation of use of abusive language. However, it has not been specified whether the incident took place in a public place or not. Counsel further submits that it is true that specific allegation is against appellant No. 1 and not against appellant No. 2.

8. In the present facts and circumstances of this case, let the appellant No. 2, namely, Bablu Kumar Yadav @ Bablu Yadav be granted bail, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of District & Additional Sessions Judge 1st-cum-Special Judge, SC/ST, Lakhisarai, in connection with A.B.P. No. 1151 of 2025 arising out of



Bannubagicha P.S. Case No. 64 of 2025, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

9. So far as the bail application of the appellant No. 1, namely, Rikki Kumar is concerned, his bail application is hereby rejected, with a liberty that in case, the appellant No. 1 surrenders within four weeks before the Trial Court, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the appellant No. 1 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

10. Accordingly, the order dated 15.10.2025 in A.B.P. No. 1151 of 2025, arising out of Bannubagicha P.S. Case No. 64 of 2025, passed by the District & Additional Sessions Judge 1st-cum-Special Judge, SC/ST, Lakhisarai, is hereby set aside, and the present anticipatory bail application stands allowed in respect of appellant No. 2, namely, Bablu Kumar Yadav @ Bablu Yadav only.

(Dr. Anshuman, J.)

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