

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4726 of 2025

Arising Out of PS. Case No.-352 Year-2025 Thana- BANIAPUR District- Saran

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1. Rajdeo Ram S/o Sudish Ram Resident of Village - Pithori Nandlal Tola, P.S - Baniyapur, District - Saran
 2. Ajay Ram @ Ajay Kumar Ram S/o Rajdeo Ram Resident of Village - Pithori Nandlal Tola, P.S - Baniyapur, District - Saran
 3. Raj Kumar Ram @ Raja Kumar @ Raja Ram S/o Rajdeo Ram Resident of Village - Pithori Nandlal Tola, P.S - Baniyapur, District - Saran
 4. Gautam Ram S/o Sudish Ram Resident of Village - Pithori Nandlal Tola, P.S - Baniyapur, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Kumar Ram S/o Shankar Ram Resident of Village - Pithori Nandlal Tola, P.S - Baniyapur, District - Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 16-04-2026 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) application has been filed seeking grant of bail and setting aside the order dated 31.10.2025 passed by the Exclusive Special Judge, SC/ST, Chapra, Saran in Anticipatory Bail Petition No. 3975 of 2025 arising out of Baniyapur P.S. Case No. 352 of 2025, for the offence punishable under sections 127(1), 115(2), 117(2), 118(1), 109, 351(2), 352 & 3(5) of the Bharatiya Nyaya Sanhita,



2023 and sections 3(1)(द), 3(1)(घ), 3(2)(va) of the Scheduled Castes & the Scheduled Tribes (Prevention Of Atrocities) Act, 1989.

3. As per the prosecution, FIR has been lodged against seven named accused persons including the present appellants against whom there is an allegation that they have assaulted the informant and also used abusive language and also threatened to kill the entire family members.

4. Learned counsel for the appellants submit that the appellants are innocent and have committed no offence. Counsel submits that the informant's side and the appellants' side belongs to SC/ST community and therefore, SC/ST Act is not attracted in the present case. He submits that both parties are resident of same village and well known to each other and on petty dispute, scuffling took place between them. Counsel also submits that there are case and counter case from both the sides (Annexure-1 & Annexure-2). He further submits that it is true that injury has been caused and injury report is also attached. Counsel submits that the cause of dispute is apparent upon reading the FIR lodged by the appellants' side. He submits that actually, the daughter of the appellants' side was disturbed and molested by the informant's side and upon oppose, scuffling



took place between the parties. Counsel submits that none of the parties are criminal, rather, at the spur of moment, the scuffling took place and injury has been caused. Counsel submits that appellants are accused in one more case in which, already compromise takes place.

5. Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellants but fairly submits that as per the pleadings, the informant's side and the appellants' side belongs to SC/ST community and therefore, SC/ST Act is not attracted in the present case. He further submits that there are case and counter case from both the sides.

6. As such, in the present facts and circumstances of this case, let the above named appellants be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of four weeks, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Exclusive Special Judge, SC/ST, Chapra, Saran, in connection with Baniyapur P.S. Case No. 352 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023 with further conditions:-

(i) one of the bailors should be the family member of



the appellants who shall provide official document to show his/her *bona fide*;

(ii) the appellants shall appear before the Trial Court on each and every scheduled date, and failure to do so for two consecutive dates without any plausible reason/explanation shall be resulted into cancellation of their bail bonds by the Trial Court itself;

7. Accordingly, the order dated 31.10.2025 passed by the Exclusive Special Judge, SC/ST, Chapra, Saran in Anticipatory Bail Petition No. 3975 of 2025 arising out of Baniyapur P.S. Case No. 352 of 2025 is hereby set aside and the present anticipatory bail application stands allowed.

(Dr. Anshuman, J)

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