

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4741 of 2025

Arising Out of PS. Case No.-441 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Mohan Kumar Son of Bablu Yadav @ Ballu Yadav R/O village-Bhatpura Ward No. 5, P.S.- Simri Bakhtiyarpur (wrongly Bakhtiyarpur), District -Saharsa
 2. Kulesh Kumar @ Kulesh Yadav @ Pulesh Yadav Son of Bablu Yadav @ Ballu Yadav R/O village-Bhatpura Ward No. 5, P.S.- Simri Bakhtiyarpur (wrongly Bakhtiyarpur), District -Saharsa
 3. Duryodhan Yadav @ Durjo Yadav @ Durjodhan Kumar Son of Bablu Yadav @ Ballu Yadav R/O village-Bhatpura Ward No. 5, P.S.- Simri Bakhtiyarpur (wrongly Bakhtiyarpur), District -Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar Gupta, Male, S.I., Simri Bakhityarpur Police Station, District- Saharsa Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Asmita Srivastav
		Mr. Satish Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 03-04-2026 Heard learned counsel for the appellants, the learned
Spl. P.P. for the State and the learned counsel for the informant.

2. This appeal is preferred against the order dated 03.11.2025 passed by the Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA)Act, Saharsa passed in ABP No. 842 of 2025 arising out of Simri Bakhtiyarpur P.S. Case No. 441 of 2024 registered for the offence under Sections 191(2), 190, 126(2), 115, 123 and 352 of the Bharatiya Nyaya Sanhita, 2023,



Section 3/4 of the Public Property Act and Sections 3(i)(r)(s) of the SC/ST Act, by which the prayer of the appellants for anticipatory bail was rejected.

3. As per the prosecution case, on 18.09.2024 at about 02:45 hours, the informant received information that the wanted accused, Prem Kumar @ Chhotu Kumar, was dancing at a village program with 10–12 persons carrying illegal *kattas*. Acting on this, the police reached the spot at 03:15 hours and arrested Chhotu Kumar. The program organizer Khagesh Sah, his family, the accused's father, and 50–100 others allegedly attacked the police, rescued the accused, and damaged police vehicles. Caste-based abuse was also reportedly used against chaukidar Dipnarayan Paswan, who identified 20 persons, including the appellants. Seven persons were arrested and four motorcycles seized.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case and therefore, this anticipatory bail application is maintainable. He further submits that there is no direct allegation against the appellant.

5. Learned counsel for the State and the learned



counsel for the informant have opposed the prayer of the appellants.

6. From the reading of the entire FIR, it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community and the same appears to be a *mala fide* prosecution.

7. In these circumstances, in the opinion of this Court, this application for grant of anticipatory bail is maintainable.

8. Considering the rival submissions of the parties and the facts of the case, the appeal stands allowed. Accordingly, the order dated 03.11.2025 passed by the Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA)Act, Saharsa passed in ABP No. 842 of 2025 arising out of Simri Bakhtiyarpur P.S. Case No. 441 of 2024 is hereby set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Simari Bakhtiyarpur P.S. Case No. 441 of 2024, subject to the conditions laid down under Section 438(2) of the Cr. P.C./ Section 482(2) of the BNSS.



10. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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