

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2831 of 2021**

Arising Out of PS. Case No.-98 Year-2021 Thana- DALSINGHSARAI District- Samastipur

1. Manas Mohan Jha, aged about 56 years, Gender-Male, S/o Late Rameshwar Jha, R/o village- Loknathpur Ganj, P.S.- Dalsingsarai, District- Samastipur
2. Nilesh Nayan, aged about 27 years, Gender-Male, S/o Manas Mohan Jha R/o village- Loknathpur Ganj, P.S.- Dalsingsarai, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Senior Advocate with Mr. Dilip Kumar Roy, Advocate
For the State	:	Mr. Sadanand Paswan, Special PP
For the Informant	:	Mr. Saket Gupta, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 05-10-2021

Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Dilip Kumar Roy, learned counsel for the appellants; Mr. Sadanand Paswan, learned Special Public Prosecutor (Special PP) for the State and Mr. Saket Gupta, learned counsel for the informant.

2. Pursuant to order dated 4th October, 2021, as had been desired by learned counsel for the parties, the appellants as well as the informant are present before the Court.

3. The present appeal is directed against the order dated 15.06.2021 passed by the learned 1st Additional Sessions Judge-sum-Special Judge SC/ST, Samastipur in ABP No. 1117



of 2021 by which the prayer for anticipatory bail of the appellants has been rejected.

4. The appellants apprehend arrest in connection with Dalsingsarai PS Case No. 98 of 2021 dated 12.04.2021, instituted under Sections 341/323/324/379/504/506/34 of the Indian Penal Code and 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act').

5. The allegation against the appellants in the FIR filed by the informant is that he was initially threatened by them in his chamber and later, on the road side he was assaulted and when his staff had come to his rescue, the appellants are said to have threatened and abused him using caste name.

6. The Court had agreed to the proposal of learned counsel for the parties that both are neighbours and it would be in the interest of all concerned if they are able to compromise the matter so that peace and tranquility is ensured at the ground level. In terms thereof, the Court had allowed the parties to talk to each other for some time and the case was again taken up.

7. On a query from the parties, especially the informant, he submitted that he was satisfied by the discussion he had with the appellants. The appellants also stated that they



have expressed their regrets for the incident and the parties do not carry any ill feeling with regard to each other. On a specific query of the Court as to whether the informant would be agreeable to the stand he would be taking in the present matter, the categorical response was that he would not be opposing the prayer of the appellants.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the grievance basically being of the informant against the appellants and coming at the scene of employees of the informant being incidental thereto, once the parties have arrived at a settlement among themselves and also the informant taking a categorical stand that he would not be opposing the prayer of the appellants in the present appeal, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the appellants be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-sum-Special Judge SC/ST Act, Samastipur in Dalsinghsarai PS Case No. 98 of 2021, subject to the conditions



laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the appellants, (ii) that the appellants and the bailors shall execute bond and give undertaking with regard to good behaviour of the appellants, and (iii) that the appellants shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the appellants, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the appellants.

11. Accordingly, the appeal stands allowed. The order dated 15.06.2021 passed by the learned 1st Additional Sessions Judge-sum-Special Judge SC/ST Act, Samastipur in ABP No. 1117 of 2021 is set aside.

12. The Court would note that the appellants, who have also undertaken before the Court that they would also not press the case and withdraw the case which they have filed against the informant, being Dalsinghsarai PS Case No. 103 of



2020 dated 15.04.2021, would live up to their commitment.

(Ahsanuddin Amanullah, J)

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