

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2106 of 2023**

Arising Out of PS. Case No.-447 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

1. MD. TANVEER Son of Md. Jubair Resident of village-Sarfuddinpur, Police Station-Bochahan, District-Muzaffarpur
2. MD. PARVEJ @ MD. PARVEJ ALAM Son of Md. Sakur Resident of village-Sarfuddinpur, Police Station-Bochahan, District-Muzaffarpur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. ARJUN MAHTO Son of Late Raj Govind Mahto Resident of village-Sarfuddinpur, Police Station-Bochahan, District-Muzaffarpur

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Bhavesh Kumar, Advocate  
For the Respondent/s : Mr. Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      21-07-2023                      1. Heard learned counsel for the appellants and  
learned Spl. P.P. for the State.

2. Despite notice being validly served upon the  
informant, no one appears on behalf of the informant.

3. This is an appeal under Section 14-A(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST  
Act”) against the refusal of prayer for anticipatory bail vide  
order dated 20.03.2023 in A.B.P. No. 4744 of 2022 passed by  
the learned 1st Additional Sessions Judge-cum-Special Judge  
S.C./S.T. (POA) Act, Muzaffarpur in connection with Bochahan



P.S. Case No. 447 of 2022 registered for the offences punishable under Sections 341, 342, 323, 308, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

4. Learned counsel for the appellants submits that the appellant no. 1 has antecedent of one case and the appellant no. 2 is a person with clean antecedent.

5. The informant alleges that he forbade the accused persons including the appellants not to gamble near his house on which it is alleged that the accused persons entered his premises and assaulted him with bricks and stones and when his wife and son came to rescue him, Md. Tanveer (appellant no. 1) twisted the left hand of his wife and caused injury under the eye of his son Abhimanyu. It is next alleged that it was on account of intervention of the neighbours that the informant and his family members were saved. It is further alleged that Tanveer also snatched *Mangalsutra* from the neck of his wife worth Rs. 25,000/-.

6. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that the appellants and the informant are neighbours and there is a dispute relating to passage. It is further



submitted that the informant used to block the pathways which caused hindrance egress and ingress of the appellants and their family members which led to an altercation, but then an exaggerated allegation was alleged. It is further submitted that the appellants deny that they had assaulted his son or his wife. It is next submitted that even presuming what has been alleged is true without admitting, then the occurrence did not take place in public view nor the F.I.R even remotely suggest that the occurrence was witnessed by any of the witnesses, though, it is alleged that on intervention of the neighbours, they were saved, but then the names of the neighbours are also not disclosed in the F.I.R, which further casts an aspersion on the case of the prosecution.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 20.03.2023 in A.B.P. No. 4744 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Muzaffarpur **in connection with Bochahan P.S. Case No. 447 of 2022 is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) 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 Bochahan P.S. Case No. 447 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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