

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.361 of 2024

Arising Out of PS. Case No.-567 Year-2023 Thana- MUFFASIL District- West Champaran

1. Narayan Kumar S/O Kauleshwar Singh Resident Of- Dakhinganwa, Gaya Wazirganj, Bihar-805131.
2. Sujit Kumar S/O Naresh Prasad Yadav Village- Bario, Masaurha, Dist. Nawada, Bihar-805109.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishnudeo Majhi Na Village- Maharajganj, Post- Bhadkhara, Ps. Muffasil, Dist. Nawada. At Present P.T.C/666 Vishnudeo Majhi, Muffasil, Ps. Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bikas Kumar Sharma, Adv. Ms. Madhuri Kumari, Adv. Mr. Abneesh Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P
For the O.P. No.2	:	Mr. Bimlesh Kumar Pandey, Adv. Mr. Vikash Kumar Shukla, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-07-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna along with learned counsel appearing on behalf of the respondent no.2.

2. 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 11.10.2023, passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, West Champaran at Bettiah, in connection with Bettiah Muffasil P.S. Case No.567/2023, registered under Sections 341, 323, 504, 34 of the



Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST (POA) Act, 1989.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant has falsely implicated the appellants with an allegation that on 25.08.2023, while he was on a patrolling duty along with other police personnel, when he received a call and went to Shashtrinagar, as per the direction of the control room, and saw some people standing on the road, and accordingly, the informant inquired from them that as to why they were standing on the road, when four accused including the appellants came in a drunken state and started abusing them. It is further alleged that appellant no.1 assaulted the informant by fists and took him out of the car. It is also submitted that there is no specific allegation against the appellant no.2. It is further submitted that the appellants have been falsely implicated. It is next submitted that since appellant no.1 was known to the informant, as such, he would never have dare to assault a police personnel but since the informant was having grudge for obvious reasons, as he was not ready to accede to his demand, as such, implicated him with frivolous allegation. It is also submitted that the F.I.R. does not disclose that the offence was witnessed by any independent witness.

4. Learned Special Public Prosecutor Mr. Binay Krishna



along with learned counsel appearing on behalf of the respondent no.2 opposes the prayer for anticipatory bail of the appellants but are not in a position to rebut the submission of the learned counsel for the appellants that the occurrence was not witnessed by any independent witness.

5. Considering the submission of the learned counsel for the appellants, the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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