

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.905 of 2024

Arising Out of PS. Case No.-232 Year-2023 Thana- CHANDRADIP District- Jamui

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Bhim Yadav S/o- Late Gareeb Yadav Village- Bhaluana Ps- Chandradeep
Dist- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhola Manjhi S/o- Late Jaggu Manjhi Village- Bhaluana Ps- Chandradeep
Dist- Jamui

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Deepak Kumar, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr. Pramod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-07-2024 1. Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and the learned counsel
appearing on behalf of the respondent no.2.

2. The appellant has challenged the order dated
29.01.2024 passed by the learned Additional Sessions Judge-I,
Jamui in connection with Chandradeep P.S. Case No.232 of
2023, instituted for the offences under Sections 341, 323, 447,
325, 354, 504, 506 and 34 of the Indian Penal Code and Section
3(i)(r)(s),3(2)(va) of the SC & ST Act, whereby their prayer for
grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that
appellant has antecedent of one case and has been falsely
implicated in the instant case by the informant on account of



dispute relating to land.

4. It is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that prima facie no offence under the SC/ST Act is made out as the FIR does not even remotely suggest that the act of assault was witnessed by any independent witnesses. It is next submitted that even presuming what has been alleged is true without admitting then the injury suffered by the injured is simple in nature and the act was not committed in public view.

5. The learned Special P.P. and the learned counsel appearing on behalf of the respondents the appeal, but then are not in a position to rebut the submissions of the learned counsel for the appellant that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

6. Regard being had to the aforesaid submissions, the order dated 29.01.2024 is set aside.

7. The appeal stands allowed.

8. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Jamui in connection with Chandradeep P.S. Case No.232 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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