

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1438 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- ROSERA District- Samastipur

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1. Paltan Sahni SON OF HORIL SAHNI RESIDENT OF VILLAGE- SARHACHIYA, WARD NO. 09. PS- HASANPUR, DIST- SAMASTIPUR
 2. MAYANK KUMAR SINGH @ RAJA SINGH NA RESIDENT OF VILLAGE- LAGMA, PS- SINGHIYA, DIST- SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJ KISHOR PASWAN SON OF RAJENDRA PASWAN RESIDENT OF VILLAGE- MIRJAPUR, WARD NO. 03, PS- ROSERA, DIST- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhav Kumar, Adv
For the State	:	Mr. Binay Krishna, Spl.PP
For the Respondent no.2:	:	Mr. Sada Nand Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-10-2024 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer of anticipatory bail vide order dated 09.02.2024, passed by learned Court of Special Judge, SC/ST (POA) Act, Samastipur, in connection with Rosera P.S. Case No.223 of 2023, registered under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r),



3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants are alleged to have stopped the informant's motorcycle and pushed him and started to abuse the informant by taking caste abusive words and threatened him to leave the job of Reporter. On refusal, they started to assault him with fists and feet.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Earlier, the appellant no.1 had lodged a case against the informant of this case, copy of the F.I.R. is enclosed at Annexure-2 of the memo of appeal. Thereafter, the present case has been filed by the informant. It is further submitted that there is inordinate delay of five days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant no.1 has three criminal antecedents and appellant no.2 has five criminal antecedents, as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.



7. In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from to-day, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, SC/ST (POA) Act, Samastipur, in connection with Rosera P.S. Case No.223 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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