

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1710 of 2024**

Arising Out of PS. Case No.-8 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

Adesh Kumar S/o Ajay Sahni R/o vill - Pahsara, ward no. 09, P.s. - Nawkothi,
Dist. - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Subodh Paswan S/o Janardhan Paswan R/o vill - Ramauli, P.S. - Nawkothi,
Distt. - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anshu Dhar Sharma, Advocate
For the Respondent/s : Ms. Usha Kumari No.1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-09-2024 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
14.03.2024 passed by the learned Exclusive Special, Judge
SC/ST Act, Begusarai in connection with Nowkothi P.S. Case
No.08 of 2024 instituted for the offences under Sections 341,
323, 379, 504 and 34 of the IPC 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 is a young boy aged about 21 years and is a person
with clean antecedent and has been falsely implicated in the



instant case by the informant with an allegation that the appellant on 11.11.2023 burst a bomb in front of informant's son, further on objection the accused surrounded him and tried to strangle him by a *Gamcha* and also assaulted him with kick and fist, thereafter, Ajay came and assaulted the injured with knife and also abused and thereafter assaulted the father of the informant with kick and fist and also took away golden chain from the neck of the son of the informant and snatched rupees.

4. The learned counsel submits appellant has been falsely implicated in the instant case by the informant. It is also submitted that even presuming what has been alleged is true without admitting then allegation of assaulting by knife is against Ajay. It is also submitted that the date of occurrence is 11.11.2023 and the FIR came to be instituted on 17.01.2024 i.e. after a delay of more than 70 days, which casts an aspersion of the case of the prosecution, it is also submitted that though there is allegation that appellant burst a bomb in front of informant's son, but then it was not a bomb rather it was a cracker or else the son of the informant would have been hurt had a bomb had blasted.

5. The learned Special P.P. and the learned counsel



appearing on behalf of the respondent no.2 opposes the appeal application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the FIR came to be instituted after a delay of more than 70 days, which casts and aspersion on the case of the prosecution.

6. Regard being had to the aforesaid submissions, the order dated 14.03.2024 is set aside.

7. The appeal stands allowed.

8. Considering the submissions, 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 Exclusive Special, Judge SC/ST Act, Begusarai in connection with Nowkothi P.S. Case No.08 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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