

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1860 of 2024

Arising Out of PS. Case No.-57 Year-2023 Thana- SC/ST District- Gaya

Manjar Khan @ Manjar Alam Son of Md. Azhar Hussain Resident of Village-
Madapur, P.S.- Dumaria (Gaya), District- Gaya, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Shila Devi Wife of Janeshwar Bhuyan Resident of Village- Madarpur, P.S.-
Dumaria (Gaya), Dist.- Gaya, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
23.02.2024 passed by the learned Exclusive Special Judge,
SC/ST, Gaya in connection with SC/ST P.S. Case No.57 of
2023, instituted for the offences under Sections 341, 323, 325,
354(B), 504/34 of the IPC and Section 3(1)(r)(s) 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 person with clean antecedent and have been falsely
implicated in the instant case by the informant with an
allegation that on 18.10.2023 at 09.30 am when her husband



was going out for work when the accused persons including the appellant intercepted him and started abusing him by taking caste name and even assaulted and when the informant went to save her husband she was also abused and assaulted, on account of which her left foot got fractured.

4. The learned counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that the same is based on a typed application of the informant. It is next submitted that date of occurrence is 18.10.2023 and the FIR came to be instituted on 28.08.2023 i.e. after a delay of ten days. It is next submitted that if what has been alleged in FIR is true, then definitely the hospital would have inform the police about the occurrence and the fardbeyan of the informant would have been recorded at the hospital, but then that is not the case.

5. The learned Special P.P. opposes the appeal.

6. Regard being had to the aforesaid submissions, the order dated 23.02.2024 is set aside.

7. The appeal stands allowed.

8. Considering the submission and the fact that FIR has been instituted after a delay of ten days, 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 Special Judge, SC/ST Act, Gaya in connection with SC/ST P.S. Case No.57 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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