

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3755 of 2024

Arising Out of PS. Case No.-54 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. Ranjit Singh @ Deepak Singh Son of Basdev Singh Resident of Village -Badharwa Khurd, Police Station -Dumariyaghat, District -East Champaran at Motihari.
 2. Sitesh Singh @ Sitesh Kumar Singh Son of Basdev Singh Resident of Village -Badharwa Khurd, Police Station -Dumariyaghat, District -East Champaran at Motihari.
 3. Basdev Singh @ Basudeo Singh Son of Late Shivnath Singh Resident of Village -Badharwa Khurd, Police Station -Dumariyaghat, District -East Champaran at Motihari.
 4. Prince Singh @ Sandeep Kumar Son of Sunil Singh Resident of Village -Badharwa Khurd, Police Station -Dumariyaghat, District -East Champaran at Motihari.
 5. Rahul Singh @ Rahul Bhardwaj Son of Sunil Singh Resident of Village -Badharwa Khurd, Police Station -Dumariyaghat, District -East Champaran at Motihari.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjit Ram son of Late Jokhan Ram Resident of Village -Badharwa Khurd, Police Station -Dumariyaghat, District -East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr. Binod Kumar Pandey, Advocate
		Mr. Anang Mohan Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-09-2024 Heard learned counsel for the appellants, learned

Special Public Prosecutor for the State and the learned counsel

appearing on behalf of the respondent no.2.

2. The appellants have challenged the order dated

25.07.2024 passed by the learned Special Judge SC/ST Act, East

Champaran at Motihari in connection with Dumariyaghat P.S.



Case No.54 of 2023, instituted for the offences under Sections 341, 323, 324, 504, 34 of the IPC and Section 3(i)(r)(s) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submit that appellant no.1 and 2 have antecedent of two cases and appellant no.4 and 5 have antecedent of one case while appellant no.3 is a person with clean antecedent.

4. It is next submitted that informant alleges that on 17.02.2023 at about 07:30 PM when he had reached the Bathan of villager Harendra Yadav when he was intercepted by the accused persons including the appellants and Basudeo Singh abused him by taking his caste name and thereafter Ranjeet Singh assaulted him by knife causing injury on his head, and Sitesh, Prince and Rahul assaulted him by fist and leg, but he was saved by the local people, thereafter he went to the PHC for getting his injury examined, it is also alleged that the reason for the occurrence is that Ranjeet Singh owed money for the labour which the informant had rendered.

5. The learned counsel for the appellants submit that appellants have been falsely implicated in the instant case by the informant. It is submitted that it absolutely does not stand to



reason that if Ranjeet Singh owed any amount to the informant why he would have intercepted him near the Bathan of Harendra yadav along with other accused persons and assaulted him. It is submitted that on 17.02.2023 Harendra Yadav and other accused persons had assaulted Ranjeet Singh and others for which Dumariyaghat P.S. Case No.51 of 2023 dated 17.02.2023 was instituted. It is submitted that the informant who is aligned with Harendra Yadav instituted the instant FIR on 18.02.2023 at the behest of Harendra Yadav in order to coerce the appellants into submission so that they don't pursue Dumariyaghat P.S. Case No.51 of 2023 against Harendra Yadav and others. It is also submitted that it absolutely does not stand to reason that had the informant been assaulted by knife as alleged in the FIR then definitely the PHC would have informed the police that informant has come for treatment for stabbing, but then from perusal of the FIR, it would manifest that the same is instituted based on an application filed by the informant i.e. the fardbeyan of the informant was not recorded at the hospital nor the hospital informed the police about the occurrence. It is also submitted that the FIR was also instituted on 18.02.2022 when the occurrence is alleged to have taken place on 17.02.2023. The learned counsel submits that even the FIR does not even



remotely suggests that the occurrence was witnessed by any independent witnesses, though informant alleges that the occurrence took place near Bathan of Harendra Yadav nor the FIR disclosed the name of any person who witnessed the occurrence and heard the abuse, as such prima facie no offence under the SC/ST Act is made out.

6. The learned Special P.P. and the learned counsel appearing on behalf of the informant opposes the appeal, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the FIR does not inspire confidence for the reason that the same was instituted based on an application submitted by the informant and the hospital did not inform the police about the occurrence nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses.

7. Regard being had to the aforesaid submissions, the order dated 25.07.2024 is set aside.

8. The appeal stands allowed.

9. The appellants above named, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their 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, East Champaran at Motihari in connection with Dumariyaghat P.S. Case No.54 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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