

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5210 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- SHAHKUND District- Bhagalpur

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RANJIT KUMAR @ RANJIT MOWAR S/o Narayan Mowar R/o village-
Dohradih, P.S.- Shahkund, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Chun Choudhary, S/o Gouri Choudhary, resident of village Dohradhi, P.S.
Shahkund, District Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Roushan, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-05-2024 1. Heard learned counsel for the appellant and Mr.
Binay Krishna 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 (hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for anticipatory bail vide order dated 25.08.2023
in A.B.P. No. 2158 of 2023 passed by the learned 3rd Additional
Sessions Judge-cum-Special Judge S.C./S.T. Act, Bhagalpur in
connection with Shahkund P.S. Case No. 181 of 2023 registered
under Sections 147, 341, 323, 307 and 506 of the Indian Penal
Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that the
office report dated 02.05.2024 records that notice on behalf of the
respondent no. 2 has been received by his father.



4. Since the notice has been received by the father of the respondent no. 2, as such, it is deemed to be validly served.

5. Learned counsel for the appellant further submits that appellant is a person with clean antecedent and has been falsely implicated in the present case based on general and omnibus allegation. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the respondent no.2/informant alleges that he had gone to hear Bhagwat Katha and when Katha ended, he went to take Prasad when the accused persons including the appellant came and Sourav Mowar and Pintu Mowar assaulted Dinesh Choudhary by iron rod, khanti and lathi causing injury on his head and body and when the informant came to save him, Chandra Bhushan Mowar assaulted Jichu Choudhary by rod causing injury on his head. Thereafter Prem Chandra Mowar assaulted Shankar Choudhary by khanti causing injury on his head and Ashwani Mowar and Prem Chandra Mowar assaulted Shankar Choudhary by khanti causing injury on his head and when Manjula Devi and Rajendra Choudhary came to their rescue, they were also assaulted by the accused persons.

6. Learned counsel for the appellant submits that apart from the fact that appellant is alleged to be also present at the place of occurrence, no specific allegation of assault is alleged against him. It is further submitted that appellant had also gone to



hear Bhagwat Katha when the occurrence took place, he as bystander stood there, as such, the informant thinking him to be part of the mob also implicated the appellant. It is next submitted that this perhaps explains why respondent no. 2 despite receiving the notice chooses not to appear and contest.

7. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

8. Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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