

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5421 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- PATEPUR District- Vaishali

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1. GANESH SAH SON OF LATE BHOLA SAH R/O VILLAGE - DADUAA.P.S.- PATEPUR, (HARLOCHANPUR SUKKI O.P.) DIST.-VAISHALI.
 2. PRAMILA DEVI WIFE OF GANESH SAH R/O VILLAGE - DADUAA.P.S.- PATEPUR, (HARLOCHANPUR SUKKI O.P.) DIST.-VAISHALI.
 3. RAVI KUMAR SON OF GANESH SAH R/O VILLAGE - DADUAA.P.S.- PATEPUR, (HARLOCHANPUR SUKKI O.P.) DIST.-VAISHALI.
 4. SHANKAR SAH SON OF LATE BHOLA SAH R/O VILLAGE - DADUAA.P.S.- PATEPUR, (HARLOCHANPUR SUKKI O.P.) DIST.-VAISHALI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. DILIP PASWAN @ TENI PASWAN SON OF LAKHINDRA PASWAN R/O VILLAGE - KASTURI SARAI, P.S.- PATEPUR, DIST.-VAISHALI.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shanti Bhushan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-08-2024 At the outset, learned counsel for the appellants submits that there is typographical error in paragraph No. 1 of order dated 18.07.2024 . Instead of withdrawing Appeal for pre-arrest bail of appellant No. 1 , 3 and 4, due to inadvertence the appeal was dismissed as withdrawn in respect of appellant No. 2.

2. In that view of the matter, appeal for pre-arrest



bail of appellant Nos. 1 , 3 and 4 is dismissed as withdrawn .

3 . Heard learned counsel for the appellant No. 2 ,
learned Spl. PP for the State and respondent No. 2.

4. This appeal has been filed for setting aside order dated 29.09.2023 passed in a case registered for the offence punishable under sections 341, 323, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

5 . As per the prosecution case , on 26.07.2023 at 6:00 PM when the informant was irrigating the field, meanwhile all the accused persons including this appellant came there and abused the informant by caste name and co-accused *Raj Kumar Mahto* tied him with electric pole by *Gamchha* and other co-accused persons assaulted him with lathi, fist and slap .

6. It is submitted on behalf of appellant that specific allegation of assault is against other co-accused person and so far as this appellant is concerned she is only alleged to be the member of the mob. F.I.R., has been lodged after the delay of eighteen days for which there is no plausible explanation which itself creates doubt over the veracity of entire prosecution case . It is not the case of the informant that any member of the public



was present at the time of incidence , as such no case under SC/ST is made out against this appellant.

7. Counsel for the respondent No. 2 and learned Spl. PP opposed the prayer for bail.

8 . Considering the aforesaid facts, this appeal is allowed with respect to appellant No. 2 only and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court SC/ST Act, Vaishali at Hajipur in connection with Patepur Police Station Case No. 204 of 2023 .

(Prabhat Kumar Singh, J)

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