

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5529 of 2023**

Arising Out of PS. Case No.-1491 Year-2023 Thana- PHULWARISHARIF District- Patna

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1. PRAMOD KUMAR @ MASTER SAHEB @ PRAMOD KR. SON OF
SITA RAM MANDAL R/O VILLAGE- KORIYAVA, P.S.-
PHULWARISHARIF (JANIPUR), DISTRICT- PATNA
2. Asha Devi W/O PRAMOD KUMAR @ MASTER SAHEB R/O VILLAGE-
KORIYAVA, P.S.- PHULWARISHARIF (JANIPUR), DISTRICT- PATNA
... .. Appellant/s
- Versus
1. The State of Bihar
2. Shambhu Ram W/o Surendra Ravidas R/O VILLAGE- AKOPUR NAGWA,
P.S. PHULWARISHARIF (JANIPUR), DISTRICT- PATNA
... .. Respondent/s
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Appearance :

For the Appellant/s	: Mr. Ravish Mishra, Advocate Ms. Keertika Sakshi, Advocate
For the Respondent/s	: Mr. Binay Krishna, Spl.P.P.
For the Informant	: Mr. Piyush Saurav, Advocate Mr. Chandan Priyadarshi, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 3 08-05-2024 1. Heard learned counsel for the appellants, Mr. Binay
Krishna learned Special Public Prosecutor for the State and
learned counsel appearing on behalf of the informant.

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 29.11.2023 in A.B.P. No. 10461 of 2023 passed by
the learned Exclusive Special Court, SC/ST Act, Patna in
connection with Phulwari Sharif (Janipur) P.S. Case No. 1491 of
2023 registered under Sections 341, 323, 504 and 506/34 of the



Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are husband and wife and they have been falsely implicated in the present case by the informant with an allegation that the informant worked as a mason for the appellants in the year 2021-22 and on account of the work rendered an amount of Rs.25,000/- became due as such the informant on 14.10.2023 had gone to the house of the appellants for seeking his dues on which he was abused and assaulted.

4. Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that the same is cryptic, vague and does not inspire confidence for the reason that the informant has not specified the period during which he had worked for the appellants. It is further submitted that even presuming what has been alleged is true without admitting then the work rendered was in between 2021-22 but then the informant on 14.10.2023 had gone to the house of the appellants asking for his due which does not inspire confidence. It is next submitted that FIR does not disclose that the occurrence was witnessed by any independent witness.

5. Learned Special Public Prosecutor and learned



counsel appearing on behalf of the informant opposed the prayer for anticipatory bail but then are not in a position to rebut the submissions of the learned counsel for the appellants that the informant, after a delay of more than ten months, had approached the appellants for seeking his due and no independent witness had seen the occurrence.

6. Considering the aforesaid submissions, let the appellants, above named, in the event of their 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 bonds of Rs.5,000/- (rupees five thousand) each 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.

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

(Satyavrat Verma, J)

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