

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.241 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- KOPA District- Saran

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1. Mithun Singh @ Mithun Kumar, Son of Krishana Singh, R/o village- Mansar, P.S. - Kopa, District- Saran
 2. Santosh Singh @ Santosh Kumar Prasad, Son of Sheo Narayan Singh, R/o village- Mansar, P.S. - Kopa, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Sah, Son of Shashi Bhushan Sah, R/o village- Anawal, P.S.- Kopa, District- Saran

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Avnish Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Dhananjay Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 12-11-2025

1. Heard learned counsel for the parties.

2. The appellants have preferred this appeal against the order dated 25.9.2023 passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra in A.B.P. no.1790 of 2023 and for grant of anticipatory bail in connection with Kopa P.S. Case no.99 of 2023 registered under sections 341, 323, 324, 504, 506 and 34 of the Indian Penal Code and section 3(1)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the informant states that on going to his newly purchased land, the three accused persons including the two appellants herein abused him in the name of his caste and assaulted him causing injuries.



4. Learned counsel for the appellants submits that from the contents of the F.I.R. itself it would transpire that the appellants have been falsely implicated in the case because of land dispute between the parties. It is further submitted that from the description of allegations as levelled by the informant it would transpire that no person was present at the alleged time of occurrence and thus the occurrence cannot be said to have taken place in public view. It was only subsequently that the three other persons allegedly reached the place of occurrence and intervened. Learned counsel further submits that the so called injuries have been found to be simple in nature. The appellants have no criminal antecedent and undertake to cooperate in the investigation/trial.

5. The appeal is opposed by learned Spl.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the appellants are named in the F.I.R. but there is direct allegation against them under the SC/ST Act and of having assaulted the informant causing injuries which is substantiated from the injury report.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the submissions made by learned counsel for the appellants, the



injuries having been found to be simple in nature and the same revolving around land dispute together with the appellants not having any criminal antecedent, the Court is inclined to allow the instant appeal.

7. The appeal is allowed and the order dated 25.9.2023 passed in A.B.P. no.1790 of 2023 by the learned SC/ST Exclusive Special Judge, Saran at Chapra is set aside.

8. It is directed that both the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kopa P.S. Case no.99 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SC/ST Exclusive Special Judge, Saran at Chapra.

(Partha Sarthy, J)

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