

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.322 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- MAHNAR District- Vaishali

Deep Narayan Sah Son of Late Balli Sah @ Late Ram Bali Sah Resident of
Village - Lawapur Narayan, P.S.- Mahnar, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Prasad Son of Late Lakshmi Bhagat Resident of Village -
Lawapur, P.S.- Mahnar, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satya Prakash Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna , Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 04-09-2025 Heard learned counsel for the appellant, the State .

Despite valid service of notice , nobody appears on behalf of
respondent No. 2.

2. This appeal has been filed for setting aside order
dated 22.11.2023 passed in a case registered for the offence
punishable under sections 341/323/324/34/504/506 of I.P.C. and
U/s. 3 (i)(r)(s) of SC/ST Act, whereby prayer for bail of the
appellant has been rejected.

3 . As per the prosecution case , informant namely ,
Raj Kumar alleged that on 04.06.2023 at about 9.30 AM, all the
F.I.R. named accused persons including this appellant armed
with various weapons came at the house of appellant and abused



informant by caste name and started committing *maarpeet* with informant, in which this appellant assaulted informant with *farsa* on his foot and also threatened with dire consequences.

4. It is submitted that the appellant is innocent and has committed no offence as alleged. There is land dispute between both the parties for which a direction was also issued by D. D. C . *Vaishali*, to the C.O. (Circle Officer) *Mahnar* and SHO for taking necessary action after the spot verification of the land in question i. e ., Annexure P – 3 to this Appeal. It is further submitted that due to aforesaid land dispute , a quarrel took place between the parties. Case and counter case . Though there is allegation of assault against this appellant but there is no injury report on record to substantiate the allegation of assault against this appellant. It is not the case of the informant that any member of the public was present at the place of the incident and as such, no offence under the SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

5 . Learned special Public Prosecutor for the State opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed 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 Exclusiv Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Mahnar Police Station Case No. 258 of 2023 .

(Prabhat Kumar Singh, J)

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