

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5087 of 2024

Arising Out of PS. Case No.-511 Year-2024 Thana- HISUWA District- Nawada

Tunni Singh @ Arvind Singh @ Arvind Kumar S/o Nawal Singh R/o Vill.-
Ariyan, P.S.- Hisua, Dist.- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Manjhi Son of Rambhaju Manjhi R/o Vill.-Jai Prakash Nagar,
Ariyan, P.S.- Hisua, Dist.- Nawada

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 295 of 2025

Arising Out of PS. Case No.-511 Year-2024 Thana- HISUWA District- Nawada

Gopal Kumar S/O Arvind Kumar @ Tunni Singh R/o Vill- Arian, P.S- Hisua,
Dist- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Manjhi S/O Rambhaju Manjhi R/O Village- Jai Prakash Nagar,
Ariyan, P.S- Hisua, Distt.- Nawada.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 5087 of 2024)

For the Appellant/s : Mr.Jitendra Kumar

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 295 of 2025)

For the Appellant/s : Mr.Jitendra Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 21-02-2025 1. Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.
2. An order, dated 08.10.2024, passed by learned Special
Judge, Exclusive Special Court SC/ST Act, Nawada, in



BP No. 1529 of 2024, in respect of appellant no. 1 and order, dated 28.11.2024, modified order, dated 17.12.2024, passed by learned Special Judge, Exclusive Special Court, SC/ST Act, Nawada in BP No. 1842 of 2024, in respect of appellant no. 2, are under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail applications of the appellants in connection with Hisua Police Station Case No. 511 of 2024 registered for the offence punishable under Sections 137(2)/140(3)/140(4)/3(5) of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s)(w)/3(2)(v) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, have been rejected.

3. The prosecution case, as per the First Information Report, is that on 25.08.2024, in the morning, while the mother of the informant, namely, Manji Devi was going to attend her work, the appellants, along with other accused persons, kidnapped the informant's mother on a Scorpio vehicle and pressurized her to enter into compromise in a case lodged earlier. In the afternoon, when the informant,



along with his wife and sister-in-law, was going towards the police station to lodge First Information Report, the appellants and other accused persons arrived there and started abusing by their caste and and also assaulted them and took away informant's wife and sister-in-law on Scorpio vehicle.

4. Learned counsel for the appellants submits that the appellants have not committed any offence in the manner alleged and they have been made accused in the case due to dispute regarding payment of daily wages to the informant and his family members inasmuch as the appellants are engaged in providing contract labourers to the brick kiln situated in the locality. He next submits that the appellants provide labourers attached with their agency and in return they get some commission from the brick kiln owner after payment of wages to the labourers. He further submits that some dispute in this regard arose between the appellants and the labourers i.e. informant and others. Earlier also a case was lodged by the side of the appellant against the informant and other bearing, Hisua Police Station Case No. 633 of 2023. Regarding criminal antecedents, learned counsel submits that



majority of the cases has been lodged due to dispute between the labourers and the appellants. The appellant nos. 1 and 2 are in custody since 24.09.2024 and 01.11.2024, respectively, and there is no likelihood that the appellants will abscond and/or tamper with the evidence.

5. Despite service of notice and information, no one appeared on behalf of the respondent no. 2
6. Learned Special Public Prosecutor for the SC/ST Act opposes the prayer for bail.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the appellant nos. 1 and 2 are in custody since 24.09.2024 and 01.11.2024, respectively, and there is no likelihood that the appellants will abscond and/or tamper with the evidence, I am inclined to grant the appellants privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 08.10.2024 and 28.11.2024 (modified by order dated 17.12.2004), passed by learned Special Judge, Exclusive Special Court, SC/ST Act, Nawada, in BP No. 1529 of 2024 and BP No. 1842 of 2024, is set aside.



9. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Court, SC/ST Act, Nawada, in connection with Hisua Police Station Case No. 511 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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