

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.335 of 2024

Arising Out of PS. Case No.-399 Year-2023 Thana- WAZIRGANJ District- Gaya

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SHAMBHU KUMAR @ SHAMBHU TIWARI @ SAMBHU KUMAR SON
OF DEVENDRA TIWARI @ DEVI TIWARI RESIDENT OF VILLAGE -
KURKI HAR, POLICE STATION - WAZIRGANJ, DISTRICT - GAYA

... .. Appellant/s

Versus

- 1 . THE STATE OF BIHAR
2. TEJNARAYAN MANJHI SON OF JAGAN MANJHI RESIDENT OF
VILLAGE - PURA, TOLA - SITARAMPUR, P.O. - WAZIRGANJ, POLICE
STATION - WAZIRGANJ, DISTRICT - GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 31-07-2025 Heard learned counsel for the parties. Despite valid

service of notice , nobody appears on behalf of respondent No.

2.

2. This appeal has been filed for setting aside order
dated 14.12.2022, passed in a case registered for the offence
punishable under sections 341, 323, 325 and 504 and other
allied sections of the Indian Penal Code and sections 3(i)(r)
(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely
Tejnarayan Manjhi alleged that on 26.06.2023 , appellant came



at the shop of informant and demanded articles and when informant asked this appellant to wait for a while , in the meantime , this appellant abused him and assaulted informant and his father.

4. It is submitted that appellant is innocent and has committed no offence . Both the parties are co-villagers and due to petty dispute a quarrel took place between them and taking advantage of the situation , this false and concocted case has been lodged against this appellant. There is delay of 5 days in lodging the present case for which there is no plausible explanation . Allegation of assault is general and omnibus against the appellant. It is not the case of informant that any member of public was present at the time of occurrence , as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned special Public Prosecutor for the State opposed the prayer for 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 Exclusive Special Judge ,
SC/St, Spl. Court, Gaya, in connection with Wazirganj Police
Station Case No. 399 of 2023 .

(Prabhat Kumar Singh, J)

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