

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.324 of 2024

Arising Out of PS. Case No.-872 Year-2023 Thana- KHAGARIA District- Khagaria

Manoj Sah S/O JAGDISH SAH VILLAGE- EKANIYA DIYARA, PS.
MUFFASIL, DIST. KHAGARIA.

... .. Appellant/s

Versus

1. The State of Bihar
2. NAGO PASWAN S/O LATE JUGAL PASWAN VILLAGE- EKANIYA
DIYARA, PS. MUFFASIL, DIST.KHAGARIA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-06-2025 Heard Mr. Santosh Singh, learned counsel for the
appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent No.2,
no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated 10.10.2023
passed by the learned Court of Additional Session Judge 1st-cum-
Special Judge, SC/ST Act, Khagaria in A.B.A. (SC/ST) No. 30/2023
arising out of Khagaria (Muffasil) P.S. Case No. 872 of 2023, F.I.R.
dated 22.08.2023 registered under Sections 341, 323, 504, 506/ 34 of
the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled
Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant



alleged that when he went to appellant's house to return his daughter ,who fled away from her home to marry informant's minor son, then the appellants abused the informant by his caste name and threatened him. It is further alleged that on 18.08.2023, the appellants along with other accused persons assaulted informant's father and his son by means of *lathi* and danda.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Complaint Case No.293 C/2023 filed by the aunty of the appellant against the informant and his family members. From bare perusal of the FIR, it appears that the FIR is in two parts. In first part there is specific allegation against the appellant that he abused the informant by his caste name and the occurrence took place in the house of the informant, which is not a public place, so no case is made out under SC/ST Act and in the second part there is no specific allegation against the appellant rather the allegation levelled against him is general and omnibus. It appears from the FIR that the alleged occurrence took place on 18.08.2023 but the FIR was lodged on 22.08.2023 i.e. after delay of 4 days without any explanation of delay only to falsely implicated the appellant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that appellant is named in the FIR and apart from that he abused the



informant by his caste name and the appellant carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the appellant is on bail in the said matter.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Additional Session Judge 1st-cum-Special Judge, SC/ST Act, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 872 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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