

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1289 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- KUNAU LI District- Supaul

1. Suresh Singh @ Suresh Kumar Singh Son of Late Priyavrat Narayan Singh Resident of Village, P.O., and P.S.- Kunauli, District- Supaul
2. Md. Irshad Ahmad @ Md. Irshad Son of Late Md. Sahmud Sheikh Resident of Village, P.O., and P.S.- Kunauli, District- Supaul
3. Bhushan Gold @ Bhushan Kumar Gold Son of Shri Manoj Kumar Gold @ Manoj Gold Resident of Village, P.O., and P.S.- Kunauli, District- Supaul
4. Md. Farooque @ Farooque Sheikh Son of Late Md. Khalil Resident of Village, P.O., and P.S.- Kunauli, District- Supaul
5. Heeranand @ Heeranand Sah Son of Shri Jagesh Kumar Gupta @ Jagesh Sah Resident of Village, P.O., and P.S.- Kunauli, District- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Satya Narayan Paswan Son of Late Ram Prasad Paswan Resident of Village- Bathnaha, Ward No. 19, P.S.- Kunauli, District- Supaul

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1506 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- KUNAU LI District- Supaul

1. Md. Ishrar Alam @ Md. Ishrar @ Ishrar Alam Son of Late Irshad Ahmed Resident of Village and P.O. and P.S.- Kunauli, Dist. - Supaul
2. Md. Shahanshah Alam @ Md. Shahanshah Son of Late Shahmud Resident of Village and P.O. and P.S.- Kunauli, Dist.- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Satya Narayan Paswan Son of Late Ram Prasad Paswan Resident of Village- Bathnaha, Ward No. 19, P.S.- Kunauli, Dist.- Supaul

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1289 of 2024)

For the Appellant/s : Mr. Amrit Abhijat, Adv.

For the Respondent/s : Mr. Binay Krishna, Special PP

(In CRIMINAL APPEAL (SJ) No. 1506 of 2024)

For the Appellant/s : Mr. Amrit Abhijat, Adv.

For the Respondent/s : Mr. Binay Krishna, Special PP



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-09-2025

CRIMINAL APPEAL (SJ) No.1289 of 2024

1. Heard learned counsel for the appellants and learned Spl. P.P. for the State.

2. No one appears on behalf of the respondent no. 2 despite notice being validly served.

3. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 29.01.2024 in A.B.P. No. 24 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Supaul in connection with Kunauli P.S. Case No. 107 of 2023 registered for the offences punishable under Sections 379, 147, 148, 149, 341, 323, 327, 387, 427, 447, 504 and 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

4. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that he on orders of Himanshu Jain was constructing his house on his land along with labourers when 9 accused persons including the appellants



along with 20-25 unknown accused came and Wasid Ahmad abused and asked to stop the work of construction, thereafter, Pawan Mandal also abused him and both gave orders to assault thereafter all the accused persons assaulted him by fist and leg on the road causing injury on his body, further on alarm villagers gathered and saved the informant and when he tried to flee from the place of occurrence, accused Pawan Mandal assaulted him by *Kudal* causing injury on his head and the accused persons looted the construction material, further Pawan and Wasid Ahmad asked him to convey to Himanshu to pay extortion of Rs. 5 Lakhs.

5. Learned counsel appearing on behalf of the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of abusing the informant is against Wasid Ahmad and Pawan Mandal. It is further submitted that as far as allegation of assault is alleged, the same is general and omnibus in nature. It is next submitted that the FIR does not even remotely suggest that the occurrence of abuse and assault was witnessed by any independent witnesses, though, in the FIR it has been alleged that villagers gathered to save the informant, but then name of the villagers is not disclosed, which casts an an aspersion on the case of the



prosecution. It is also submitted that the instant case has been instituted at the instance of Himanshu who is having dispute with Wasid Ahmad and Pawan.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 29.01.2024 in A.B.P. No. 24 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Supaul in connection with Kunauli P.S. Case No. 107 of 2023, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Kunauli P.S. Case No. 107 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly the appeal stands allowed.

CRIMINAL APPEAL (SJ) No. 1506 of 2024

1. Heard learned counsel for the appellants and



learned Spl. P.P. for the State.

2. No one appears on behalf of the respondent no. 2 despite notice being validly served.

3. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 29.01.2024 in A.B.P. No. 24 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Supaul in connection with Kunauli P.S. Case No. 107 of 2023 registered for the offences punishable under Sections 379, 147, 148, 149, 341, 323, 327, 387, 427, 447, 504 and 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

4. The learned counsel appearing on behalf of the appellants submits that appellant no. 1 has antecedent of one case and appellant no. 2 has antecedent of two cases and the informant alleges that he on orders of Himanshu Jain was constructing his house on his land along with labourers when 9 accused persons including the appellants along with 20-25 unknown accused came and Wasid Ahmad abused and asked to stop the work of construction, thereafter, Pawan Mandal also



abused him and both gave orders to assault thereafter all the accused persons assaulted him by fist and leg on the road causing injury on his body, further on alarm villagers gathered and saved the informant and when he tried to flee from the place of occurrence, accused Pawan Mandal assaulted him by *Kudal* causing injury on his head and the accused persons looted the construction material, further Pawan and Wasid Ahmad asked him to convey to Himanshu to pay extortion of Rs. 5 Lakhs.

5. Learned counsel appearing on behalf of the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of abusing the informant is against Wasid Ahmad and Pawan Mandal. It is further submitted that as far as allegation of assault is alleged, the same is general and omnibus in nature. It is next submitted that the FIR does not even remotely suggest that the occurrence of abuse and assault was witnessed by any independent witnesses, though, in the FIR it has been alleged that villagers gathered to save the informant, but then name of the villagers is not disclosed, which casts an an aspersion on the case of the prosecution. It is also submitted that the instant case has been instituted at the instance of Himanshu who is having dispute with Wasid Ahmad and Pawan.



6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 29.01.2024 in A.B.P. No. 24 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Supaul in connection with Kunauli P.S. Case No. 107 of 2023, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Kunauli P.S. Case No. 107 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. **Accordingly, the appeal stands allowed.**

(Satyavrat Verma, J)

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