

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1527 of 2024

Arising Out of PS. Case No.-391 Year-2023 Thana- CHAKIA District- East Champaran

1. Ranjan Kumar Son of Bhola Mahto Resident of Village- Taraniya, P.S.- Chakia, Dist.- East Champaran
2. Akash Kumar Son of Rajesh Mahto Resident of Village- Taraniya, P.S.- Chakia, Dist.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Rohit Kumar Son of Madeshwar Hazara Resident of Village- Taraniya, P.S.- Chakia, Dist.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the Res No. 2	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 18.01.2024 passed by learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in ABP No. 5881 of 2023 in connection with Chakia P.S. Case No. 391 of 2023, registered under Sections 341, 323, 324/34 of the Indian Penal Code and Section 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 31.10.2023 at about 03:30 PM, when informant was going to his house, all the F.I.R.



named accused persons, including these appellants, stopped him and abused him by caste name. It is further alleged that appellant no. 1 assaulted informant with knife, other two accused persons assaulted him with fists and slaps and all of them threatened to kill him.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. F.I.R. has been lodged after inordinate delay of eleven days, without any plausible explanation, which itself raises doubt over veracity of the prosecution case. Injury allegedly caused by these appellants is simple in nature. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation, simple injury, delay in lodging the F.I.R. and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each



with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST (POA) Act, East Champaran, Motihari in ABP No. 5881 of 2023 in connection with Chakia P.S. Case No. 391 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 18.01.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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