

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1566 of 2024

Arising Out of PS. Case No.-357 Year-2023 Thana- RIVILGANJ District- Saran

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1. Manish Kumar Yadav @ Manish Kumar Rai Son Of Raj Kumar Rai Resident Of Village - Pachpatra, P.S. - Revelganj, District - Saran
 2. Chhotu Kuamr Rai @ Chhathu Rai Son Of Shiv Narayan Rai Resident Of Village - Pachpatra, P.S. - Revelganj, District - Saran

... .. Appellant/s

Versus

1. The state of bihar
2. Situ Kumar Chaudhary Son Of Late Dinanath Chaudhary Resident Of Village - Pachpatra, P.S. - Revelganj, District - Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar Singh, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP
		Mr. Nawal Kishore Singh, Advocate
		Mr. Kamlesh Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-10-2025 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Shri Sadanand Paswan and the learned counsel appearing on behalf of the respondent No. 2.

2. 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 9-1-2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Saran at Chapra in connection with Revelganj P.S. Case No. 357 of 2023 registered for the offences punishable under Sections 341, 323, 324, 325, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s)/3(2)(VA) of the



SC/ST (POA) Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and in sum and substance the informant alleges that on 2-12-2023, he was intercepted by five named accused persons including appellants near *Chakia Bandh* from where they took him to *Chaur* and Manish along with Suman tied him, thereafter all the accused persons took out his mobile along with the SIM and broke the same, thereafter the accused persons also abused him by taking his caste name and also assaulted him. It is next alleged that the reason for the occurrence was that the cattle of the appellants had grazed the field of the informant.

4. The Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to grazing of the field by the cattle, the occurrence is alleged to have taken place. It is further submitted that if appellants had any intention of committing the occurrence, in that event, the appellants would not have intercepted the informant at *Chakia Bandh* and from there would have taken him to *Chaur* and thereafter committed the occurrence. It is submitted that even presuming what has been



alleged is true without admitting, then allegation of assault is not specific and the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

5. The Learned Spl. PP and learned counsel appearing on behalf of the informant opposes the appeal but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the occurrence was not witnessed by any independent witnesses.

6. Considering the aforesaid facts, let 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 the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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