

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1758 of 2024

Arising Out of PS. Case No.-633 Year-2023 Thana- KUDHNI District- Muzaffarpur

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1. Mohan Pandit S/o Late Sarjug Pandit Resident Of Village Jawa Dih, P.S - Kudhani, Distt. - Muzaffarpur
 2. Bittu Kumar S/o Hira Pandit Resident Of Village Jawa Dih, P.S - Kudhani, Distt. - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Virendra Das S/o Late Baldev Das R/o vill - Jawa Dih, P.S. - Kudhani, Distt. - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-01-2025 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.

2. An order, dated 06.03.2024, passed by learned Special Court, SC/ST (POA) Act, Muzaffarpur, in ABP No. 52 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Kudhni Police Station Case No. 633 of 2023 registered for the offence punishable under Sections 341, 323, 325, 504, 34 of the Indian Penal Code and Section 3 (1)(r)(s) of the Schedule



Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the prosecution story, on 27.10.2023, in the morning, while the informant was returning towards his house after taking tea, no sooner than he reached near Brahm Sthan, the appellants along with other accused persons surrounded him due to previous dispute, abused and assaulted due to which informant sustained injury near his eyes.

4. Learned counsel for the appellants submits that the present FIR has been lodged due to previous enmity which would be evident from the statement made in the FIR, the injury caused to the informant is simple in nature, there is no allegation of abusing the informant by caste name.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that injury is simple in nature and the parties are having previous dispute, I am inclined to grant the appellants privilege of anticipatory bail.

6. This appeal is, accordingly, allowed and the order, dated 06.03.2024, passed by learned Special Court, SC/ST (POA) Act, Muzaffarpur, in ABP No. 52 of 2023, is set aside.

7. Let the appellants, above named, in the event of



their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Court, SC/ST (POA) Act, Muzaffarpur, in connection with Kudhni Police Station Case No. 633 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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