

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1931 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- GOPALPUR District- Gopalganj

1. Munna Singh son of Nandlal Singh R/O- Village-Bodhachhapar, P.S- Gopalpur, Distt- Gopalganj.
2. Nandlal Singh Son of Ramchandra Singh R/O- Village-Bodhachhapar, P.S- Gopalpur, Distt- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrika Gond Son of Late Tilakdhari Gond R/O- Village- Madakchak, P.S- Gopalpur, Distt- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rishi Sinha Sinha, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-10-2025 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms. Usha Kumari 1.

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 07.03.2024 in A.B.P. No. 608 of 2024 passed by the learned XI Additional Sessions Judge-cum-Exclusive Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Gopalpur P.S. Case No. 243 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506 and 34 of the



Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(v-a) of the SC/ST Act.

3. Learned counsel for the appellants, at the outset, seeks permission to withdraw the appeal with respect to appellant no. 1 (Munna Singh) who was taken in custody in another case.

4. Permission is accorded.

5. Learned counsel for the appellant submits that appellant no. 2 is a person with clean antecedent and the informant alleges that on 27.09.2023 at 04:00 PM he was purchasing fruits in RD market when Munna Singh got pushed by his hand, on which Munna started abusing him by taking caste name, thereafter Nand Lal, Aman and Rohit also came and started assaulting the informant with kicks, slaps and belt, further on hearing alarm, his brother came who was also assaulted by the accused persons and they sustained injury, it is next alleged that people who are present at the place of occurrence intervened to settle the issue, but Munna Singh continued abusing by saying that he will not purchase fruits touched by the informant, thereafter the injured were taken to hospital when Munna Singh along with 20-25 persons came variously armed at his door and started abusing his mother and



sister by taking caste name and threatened to set the house ablaze.

6. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that thrust of the allegation is against Munna Singh. It is also submitted that though it is alleged that informant along with his brother were taken to hospital, but then there is no injury report on record. It is further submitted that even FIR has been instituted under Section 323 and other minor sections of the IPC. It is next submitted that there is no specific allegation of assault against the appellant nor the appellant is alleged to have abused the informant.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

8. In view of the submissions made by the learned counsel for the appellant, the order dated 07.03.2024 in A.B.P. No. 608 of 2024 passed by the learned XI Additional Sessions Judge-cum-Exclusive Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Gopalpur P.S. Case No. 243 of 2023, **is hereby set aside** and the appellant no. 2 above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gopalpur P.S. Case No. 243 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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