

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1908 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- MANPUR District- Nalanda

CHANDAN KUMAR S/O MANOJ MAHTO @ MANOJ PRASAD R/O
VILLAGE- KHADE BIGHA, P.S- MANPUR, DISTT.- NALANDA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. DHARMENDRA CHOUDHARY S/O KULDIP CHOUDHARY R/O
VILLAGE- KHADE BIGHA, P.S- MANPUR, DISTT.- NALANDA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-09-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 13.03.2024 passed in a case registered for the offence punishable under sections 341/323/324/325/307/447/147/149 of the Indian Penal code and Section 3(1)(r),/3(2)(Va) of S.C./S.T. (POA)Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case , informant namely Dharmendra Chaudhary alleged that on 03.05.2023 at about 8 PM, all the F.I.R. named accused persons including these



appellants along with 3 to 4 unknown persons armed with *lathi*, *danda*, iron rod, *khanti* came at the house of informant and dragged the mother of informant outside house and abused her by caste name and also assaulted her, when informant went to save her mother, he was also assaulted.

4. It is submitted on behalf of this appellant that due to money dispute, scuffle took place between both the parties. Allegation of assault is general and omnibus against this appellant. No specific allegation of overt act is alleged against him. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned special Public Prosecutor for the State opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Session Judge, 6th, Cum Spl. Judge, S.C./S.T.(POA) Act, Nalanda in connection with Manpur



Police Station Case No. 78 of 2023 .

(Prabhat Kumar Singh, J)

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