

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2007 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- MANIHARI District- Katihar

1. Prabhash Kumar Sah Son of Late Parmanand Sah Resident of Manihari, Ward No. 12, P.S.- Manihari, Dist.- Katihar
2. Sunita Devi @ Sangita Devi Wife of Prabhash Kumar Sah Resident of Manihari, Ward No. 12, P.S.- Manihari, Dist.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Shatrughan Paswan Son of Nitay Paswan R/o Village- Manihari High School Tola, Ward No. 12, P.S.- Manihari, Dist.- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rabindra Nath Tiwari, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-07-2025 Heard Mr. Rabindra Nath Tiwari, learned counsel for the appellants and Mr. Binay Krishna, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent No.2, no one appears on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 16.03.2024 passed by the learned A.D.J.-1-cum-Special Judge (SC/ST), Katihar in connection with Manihari P.S. Case No. 279 of 2023, F.I.R. dated 20.12.2023 registered under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and



Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant's son allegedly forcibly taken to petitioners' house with the intent to kill him. Upon receiving this information, the informant and his family members went to petitioners' house to rescue his son. The petitioners allegedly began abusing them using caste-related slurs and assaulted the informant. It is further alleged that the petitioners attacked informant's son on the head with a sharp object intending to kill him, causing severe bleeding.

5. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case and there is case and counter case. Although the appellants are named in the F.I.R., but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation against all the accused persons including the appellants. Although, son of the informant has received injury but the injury report of the informant's son suggests that the injury is simple in nature and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the



appellants. Further submits that the appellants have no intention to abuse the informant in any manner.

6. Learned Special Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, appellants have clean antecedent, there is no specific allegation of assault or over act, there is case and counter case and injury caused to the injured is simple in nature, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned A.D.J.-1-cum-Special Judge (SC/ST), Katihar in connection with Manihari P.S. Case No. 279 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-



i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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