

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2181 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- SC/ST District- Vaishali

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1. ATUL @ ATUL THAKUR @ ATUL KUMAR THAKUR SON OF LATE BIRENDRA THAKUR @ DHIRENDRA KUMAR THAKUR VILLAGE- RAMPUR BAGHAIL PS- DESARI (SAHDEI BUZURG OP), DIST- VAISHALI
 2. SAHIL KUMAR SINGH @ AVINASH KUMAR SINGH SON OF PINKU SINGH VILLAGE- POHIAR BUZURG, PS- DESARI (SAHDEI BUZURG OP), DIST- VAISHALI
 3. CHANDAN KUMAR @ CHANDAN MALI SON OF UMESH BHAGAT @ UMESH MALI VILLAGE- POHIAR BUZURG PS- DESARI (SAHDEI BUZURG OP), DIST- VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJENDRA MANJHI SON OF UDAGAR MANJHI VILLAGE- ALAMPUR (MANJHI TOLA), PS- DESARI (SHAEI BUZURG OP) DIST- VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-11-2025 Heard learned counsel for the appellants, learned Spl.
PP. for the State and learned counsel for the informant.

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 19.04.2024 in A.B.P. No. 890 of 2024 passed by the learned Exclusive Special Court S.C./S.T. (POA) Act, Vaishali



at Hajipur, in connection with Hajipur SC/ST P.S. Case No. 53 of 2023 registered for the offences punishable under Sections of the Indian Penal Code as well as Sections 341, 323, 354, 307, 447, 385, 504, 506 and 34 of the I.P.C. and Sections 3(i)(r)(w)(i)(ii), 3(ii)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 17.11.2023 he along with his sister were coming back from their field when accused persons including the appellants intercepted them and Ankit dashed him on the ground, on protest Ankit, Atul, Sahil and Priyanshu and Chandan abused him by taking caste name and assaulted by fist and slapped, thereafter, Atul and Ankit assaulted by brick causing injury on their face and head and when his sister tried to intervene Atul caught her and dashed her on the road, while Ankit and Sahil disrobed her and threatened of dire consequences.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 17.11.2023 and the FIR came to be instituted on 23.11.2023 i.e. after a delay of six days without any plausible explanation



which cast an aspersion on the case of the prosecution. It is also submitted that though it is alleged that informant was abused by his caste name but then allegation of abuse is not specific. It is further submitted that it does not appear probable that all the accused in one go would have abused the informant by taking his caste name. It is also submitted that allegation of dashing the sister of the informant on road has been made only to give seriousness to the case. It is next submitted that it does not appear probable that had the occurrence of the nature as alleged taken place in that event no one would have seen the occurrence when it is being alleged that informant along with his sister were coming back from their field.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that FIR was instituted after a delay of six days without any plausible explanation.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 19.04.2024 in A.B.P. No. 890 of 2024 passed by the learned Exclusive Special Court S.C./S.T. (POA) Act, Vaishali at Hajipur, in connection with



Hajipur SC/ST P.S. Case No. 53 of 2023 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Hajipur SC/ST P.S. Case No. 53 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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