

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1889 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- KATRA District- Muzaffarpur

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1. Kundan Kumar S/o- Sanoj Jha Village- Bakhari PS- Katra, Dist- Muzaffarpur
 2. Pintu Kumar @ Pintu Kumar Jha S/o- Surendra Jha Village- Bakhari PS- Katra, Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Vishwanath Manjhi S/o- Bhola Manjhi Village- Bakhari PS- Katra, Dist- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mritunjay Kumar, Adv.
For the informant	:	Mr. S.P.Singh, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 04-09-2025 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellants vide order dated 17.04.2025 by the learned Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Katra P.S. Case No. 57 of 2025 dated 18.03.2025 registered for the alleged offences punishable under Sections 191(2), 191(3), 109, 303, 324(4), 126(2), 115(2), 351(2), 351(4)



of the B.N.S. and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 13.03.2025, when the informant along with his nephew namely, Suraj Kumar were returning home (Dargah) and then they reached at Bakhri Gatoli, the accused persons namely, Vijay Sah, Mukund Kumar, Dasrath Sharma, Khobhari Sah, Sukul Tiwari, Pawan Singh along with the other 25-30 unknown persons stopped the motorcycle of the informant and snatched the key of the said motorcycle and started assaulting them by calling thieves. When the informant said he is not a thief and his house is in musahar tola at Dargah. Thereafter, the co-accused, Vijay Sah started assaulting and abusing them by calling their caste name and also snatched Rs. 10,000/- in cash from them. Thereafter, the villagers gathered there and both of them were saved and admitted to the hospital for treatment.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is a delay of five days in lodging the F.I.R. without any explanation. The appellants are not named in the F.I.R. The name of the appellants has surfaced in this case during the course of investigation. There is no specific allegation against



the appellants rather the allegation against the appellants is general and omnibus. It is further submitted that there is no allegation of abusing against the appellants and hence, no offence under provisions of SC/ST Act is made out against them. As per the injury report of Vishwanath Manjhi, two injuries are found i.e. lower lip swelling with laceration and two abrasions over nose and the nature of injury can not be determined. Learned counsel has further submitted that the matter has been compromised between the parties. It is further submitted that the appellants have no concern with the alleged offence. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants is in custody since 29.03.2025.

5. Learned Special Public Prosecutor for the State as has opposed the prayer for bail of the appellants. Learned counsel for the informant has submitted that the matter has been compromised between the parties.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 17.04.2025 by the learned Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Katra P.S. Case No. 57 of 2025,



is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Katra P.S. Case No. 57 of 2025.

(Chandra Prakash Singh, J)

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