

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1385 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MADHAURAH District- Saran

1. Bijay Singh S/O Late Gautam Singh R/O Village- Bahuzapatti, P.S- Marhaurah, Distt.- Saran.
2. Rajan Singh @ Rajan Kumar Singh S/O Paspati Singh R/O Village- Bahuzapatti, P.S- Marhaurah, Distt.- Saran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Vikki Ram S/O Lalan Ram R/O Village- Bahuzapatti, P.S- Marhaurah, Distt.- Saran.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2342 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MADHAURAH District- Saran

Lal Mohan Singh @ Manish Kumar Singh S/O Late Gautam Singh R/O Bahurapatti, P.S. Marhaurah, District-Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikki Ram S/O Lalan Ram R/O Village Bahuarapatti, P.S Marhaurah, District- Saran

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1385 of 2024)

For the Appellant/s : Mr. Sanjay Kumar Jha

For the Respondent/s : Ms. Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 2342 of 2024)

For the Appellant/s : Mr. Sanjay Kumar Jha

For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-09-2025

Cr. Appeal (SJ) No.1385/2024

1. Heard learned counsel for the appellants and learned Special P.P. Ms. Usha Kumari No.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 15.02.2024 in A.B.P. No. 416/2024, passed by the learned Court of SC/ST Exclusive Special Judge, Saran at Chapra in connection with Marhaurah P.S. Case No.37/2024, registered under Sections 341, 323, 504, 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(Va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the notice on behalf of the respondent no.2 was received by his brother and accordingly a jointness application has been filed.

4. Since jointness application has been filed, as such, the notice is deemed to be validly served. Learned counsel for the appellants next submits that appellants are persons with clean antecedent and the informant alleges that on 14.01.2024 at 3.30 P.M. he approached Lal Mohan Singh for his wages, when the accused started abusing and assaulted him, thereafter, all the accused assaulted with lathi, on alarm, informant's brother and his sister-in-law came to save him, when all accused also assaulted them, on account of which, they sustained injury.



5. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation, as alleged in the FIR, it would manifest that the FIR does not even remotely suggest that the informant or his family members were abused by taking caste name. It is also submitted that even the occurrence is not alleged to have taken place in public view rather the occurrence is alleged to have taken place at the house of Lal Mohan Singh and the allegation of assault is general and omnibus in nature.

6. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellants.

7. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



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

Cr. Appeal (SJ) No.2342/2024

1. Heard learned counsel for the appellant and learned Special P.P. Ms. Usha Kumari No.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 06.04.2024 in A.B.P. No. 1045/2024, passed by the learned Court of SC/ST Exclusive Special Judge, Saran at Chapra in connection with Marhaurah P.S. Case No.37/2024, registered under Sections 341, 323, 504, 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(Va) of the SC/ST Act.

3. Learned counsel for the appellant submits that respondent no.2 received notice in Cr. Appeal (SJ) No.1385/2024, filed by Bijay Singh and other. It is submitted that Bijay Singh and other have been granted the privilege of anticipatory bail and the case of the appellant is similar to the case of Bijay Singh and other, thus based on parity, seeks anticipatory bail.



4. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

5. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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