

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2358 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- DHANGAI District- Bhojpur

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Mahesh Yadav @ Mahesh Singh son of Late Dhamu Yadav Village-
Sonevarsha Ps- Dhangai Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mana Devi wife of Mundrika Paswan Village- Sonevarsha Ps- Dhangai Dist-
Bhojpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Akash Kumar Mishra
For the Respondent/s : Ms.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 12-11-2025 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, 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 15-2-2024 in A.B.P. No. 3326 of 2023 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Bhojpur, Ara in connection with Dhangai
P.S. Case No. 106 of 2023 registered for the offences punishable
under Sections 341, 307, 504, 506 and 34 of the Indian Penal
Code and Section 27 of the Arms Act as well as Sections 3(i)(r)



(s)(w), 3(2)(va) of the SC/ST Act.

3. No one appears on behalf of the respondent No. 2.

4. Learned counsel for the appellant submits that the case was taken up on 11-12-2025, on the said date also no one appeared on behalf of the respondent No. 2.

5. Learned counsel for the appellant submits that appellant has antecedent of one case. It is next submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that the informant alleges that on orders of the appellant, one accused fired, causing injury on his left arm. It is submitted that the informant has wisely implicated the appellant in the instant case for the reason that an agreement for sale was entered in between the appellant and the husband of the informant and the appellant had given an amount of Rs.1,30,000/- to the informant's husband for purchasing the land in terms of the agreement but then the agreement was not acted upon, as such, the appellant came to be implicated with an allegation that on his order someone fired causing injury. It is also submitted that from perusal of the order impugned, it would manifest that while rejecting the anticipatory bail application of the appellant the case diary was called for but the the order impugned does not record about any injury, which amply demonstrates that even injury as being alleged in the F.I.R. of being caused by firearm appears to be concocted. It is further submitted that since there is a dispute in between the informant and the appellant as recorded hereinabove, as



such the informant implicated the appellant with an allegation that on his orders someone fired. It is next submitted that since no one is appearing on behalf of the informant, that amply demonstrates that informant has lost interest in the case.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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