

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2204 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- KORANSARAI District- Buxar

-
1. Manish Kumar @ Manish Kumar Verma Son of Manoj Prasad @ Manoj Kumar @ Manoj Kumar Prasad village- Koransarai, Ps- koransarai, Dist- Buxar
 2. Shivnand Prasad Son of Late Bachan Prasad village- Koransarai, Ps- koransarai, Dist- Buxar
 3. Manoj Kumar @ Manoj Kumar Prasad @ Manoj Prasad Son of Late Bachan Prasad village- Koransarai, Ps- koransarai, Dist- Buxar
 4. Dilip Kumar @ Dilip Kumar Verma @ Dilip Kumar Prasad Son of Late Bachan Prasad village- Koransarai, Ps- koransarai, Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Paswan @ Bhola Paswan Son of late Supan Paswan @ Shatrudhan Paswan village- Koransarai, Ps- koransarai, Dist- Buxar

... .. Respondent/s

Appearance :

For the Appellants : Mr. Abhishek Kumar, Advocate
For the State : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 21-11-2025 Heard learned counsel for the appellants and learned Special P.P. for the State. No one appears on behalf of respondent no.2 and on the last occasion also, none had appeared. However, the present application is being heard in presence of the Special P.P.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 07.05.2025, passed by the learned Court of District and Additional Sessions Judge-I-cum-Special Judge SC/ST (P.O.A.),



Buxar in connection with Koransarai P.S. Case No.32 of 2025, F.I.R. dated 04.04.2025 registered under Sections 126(2), 115(2), 351(2), 352, 110 and 3(5) of B.N.S., 2023 as well as Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. After some arguments, learned counsel for the appellants prays for withdrawal of the appeal on behalf of appellant no.3, Manoj Kumar alias Manoj Kumar Prasad alias Manoj Prasad in order to surrender and seek regular bail.

4. Permission is accorded and in case appellant no.3, Manoj Kumar alias Manoj Kumar Prasad alias Manoj Prasad surrenders and seeks regular bail, the same shall be considered on its own merits without being prejudiced by the present order and preferably be taken up on the same day.

5. The instant appeal is dismissed as withdrawn so far as appellant no.3 is concerned.

6. The appeal now survives as against appellants no.1, 2 and 4.

7. The allegations in the first information report is that the accused persons had surrounded the informant while he was carrying bricks and indulged in assault and hurling caste based abuses.



8. Learned counsel for the appellants submits that it would be apparent from the first information report that there are general and omnibus allegations of assault and that of hurling abuses with specific allegation upon Manoj Kumar, appellant no.3, of having caused injury to Ajay Kumar. It is further submitted that so far as injury of the informant is concerned, the same is opined to be simple in nature as has been noticed in the bail rejection order. It is further submitted that a counter case has also been filed by the wife of appellant no.3 being Koransarai P.S. Case No.31 of 2025 and it is due to this reason that the accused persons have falsely been implicated. Further, there is no allegation against the appellants of causing any injury.

9. Learned Special P.P. vehemently opposes the grant of anticipatory bail on the basis of allegations made in the first information report as also the materials collected during the course of investigation.

10. It prima facie appears that the occurrence has not taken place in public view and hence the provisions of the SC/ST Act would not get attracted.

11. Taking into consideration the facts and circumstances and in view of the fact that there is no assertion in



the first information report that the occurrence had taken place in public view, provisions of the SC/ST Act do not seem to be attracted and also considering that there is case and counter case and the present appellants have not been attributed with any serious injury, let appellants no.1, 2 and 4, above named, in the event of their arrest to 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 each of them bail bond of Rs.10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of District and Additional Sessions Judge-Ist-cum-Special Judge SC/ST (POA) Act, Buxar in connection with Koransarai P.S. Case No.32 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Soni Shrivastava, J)

Sanjay/-

U		T	
---	--	---	--

