

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3117 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- MANIHARI District- Katihar

1.

Obedur @ Obuidur Rahman @ Obedur Rahmnan Son Of Mojibur Rahman Resident Of Village - Sohradangi, P.S. - Manihari, District - Katihar
2.

Mojibur Rahman @ Majbur Son Of Md. Ishak Resident Of Village - Sohradangi, P.S. - Manihari, District - Katihar

... .. Appellant/s

Versus

1.

The State of Bihar
2.

Bitiya Soren Wife Of Sakkal Murmu Resident Of Village - Bharrighutti, P.S. - Manihari, District - Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-05-2025 Despite valid service of notice, no one appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

3. This criminal appeal has been filed against the order dated 15.06.2024 passed by learned Additional District Judge-I-cum-Special Judge SC/ST, Katihar in ABP No. 5 of 2024 in connection with Manihari P.S. Case No. 78 of 2024, instituted under Sections 323, 341, 279, 337, 338, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that on 26.03.2024 at about 09:00 AM in the morning, while the 10 years old nephew of the informant namely, Baijnath Marandi was going near the house of Ram Nath Murmu, in the meantime, appellant no. 1 driving his motorcycle in a rash and negligent manner dashed him due to which he sustained injury and then the appellant no. 1 also assaulted him, thereafter, the appellants and other co-accused persons came to the house of informant and abused her by caste name, assaulted her and also took out her silver neckless.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He further submits that from perusal of FIR it is apparant that it was a case of rash and negligent driving due to which the nephew of the informant sustained injury and taking advantage of the situation the present false case has been lodged against the appellants. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.



6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-I-cum-Special Judge SC/ST, Katihar in connection with **Manihari P.S. Case No. 78 of 2024**.

8. Accordingly, this criminal appeal is allowed and impugned order dated 15.06.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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