

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3120 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- RIGA District- Sitamarhi

-
1. Shahid Ali Mansoori @ Sabir Masoori Son of Farman Mansoori Resident of village - Ramnagra Ward No.- 13, P.S.- Riga, District - Sitamarhi.
 2. Muniya Khatoon @ Maimun Khatoon Wife of Shahid Mansoori @ Shahid Ali Mansoori @ Sabir Masoori Resident of village - Ramnagra Ward No.- 13, P.S.- Riga, District - Sitamarhi.

... .. Appellants

Versus

1. The State of Bihar.
2. Amit Kumar Son of Ramganesht Paswan Resident of village - Ramnagra, P.S.- Riga, District - Sitamarhi.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Saroj Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 15-05-2025 Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. This criminal appeal has been filed against the order dated 24.04.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (PoA) Act, Sitamarhi in ABP No. 17 of 2024/56 of 2024, in connection with Riga P.S. Case No. 39 of 2024, instituted under Sections 341, 323, 324, 504, 506, 354, 379 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.



3. Prosecution case, in brief, is that the sister of informant went to throw garbage of her house in the filed situated besides her house, in the meantime, all the FIR named accused persons along with the appellants armed with weapons stopped her from throwing garbage and abused her by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He further submits that both the parties are neighbours and due to dispute over throwing of garbage *mar-pit* took place in which both the sides sustained injuries. The present case is the counter blast of Riga P.S. Case No. 38 of 2024 lodged by the appellant's side against the informant's side. 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 appellant. Appellant claims clean antecedent.

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

6. 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) with two



sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (PoA) Act, Sitamarhi, in connection with **Riga P.S. Case No. 39 of 2024.**

7. Accordingly, this criminal appeal is allowed and impugned order dated 24.04.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

Shahnawaz/-

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

