

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2678 of 2025

Arising Out of PS. Case No.-148 Year-2025 Thana- MAHARAJGANJ District- Siwan

1. Swaminath Prasad S/o Raghunath Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
2. Sonu Prasad @ Sonu Kumar S/o Swaminath Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
3. Santosh Prasad S/o Damodar Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
4. Pramod Prasad S/o Damodar Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
5. Amarnath Prasad S/o Ramavtar Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
6. Navin Prasad @ Navin Kumar S/o Amarjit Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
7. Satranjan Prasad @ Satranjan Kumar S/o Amarjit Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
8. Sone Lal Prasad @ Sone Lal Kumar S/o Birendra Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
9. Mukesh Prasad @ Mukesh Kumar S/o Dina Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
10. Rinku Prasad @ Vivek Prasad S/o Nagina Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan
11. Pawan Kumar @ Pawan Prasad S/o Ramashray Prasad Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Jainath Manjhi S/o Late Bhotha Manjhi Resident of Village- Hahwan Kurmi Tola, P.S. - Maharajganj, District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bijay Prakash Singh, Adv
For the Respondent/s	:	Ms.Usha Kumari 1, Spl. PP
		Mr. Ravi Prakash Dwivedi, Adv
		Mr. Rajni Kant, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 08-09-2025 1. Heard learned counsel for the appellants, learned



Spl. P.P. for the State, Ms. Usha Kumari No. 1 and the learned counsel appearing on behalf of the informant.

2. Learned counsel for the appellants, at the outset, seeks permission to withdraw the appeal with respect to appellant No. 4, Pramod Prasad, who was arrested during pendency of the appeal.

3. Permission is accorded.

4. Learned counsel for the appellants, after some arguments realising his difficulty, seeks permission to withdraw the appeal with respect to appellant No. 9, Mukesh Prasad @ Mukesh Kumar.

5. Permission is accorded.

6. Accordingly, the instant appeal is dismissed as withdrawn with respect to appellant No. 4 (Pramod Prasad) and appellant No. 9 (Mukesh Prasad @ Mukesh Kumar).

7. 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 28-5-2025 in A.B.P. No. 1127 of 2025 and 1548 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Siwan in connection with



Maharajganj P.S. Case No. 148 of 2025, registered for the offences punishable under Sections 115(2), 126(2), 118, 117, 109, 351(1), 352 and 3(5) of the BNS as well as Sections 3(1)(r), 3(1)(s) of the SC/ST Act.

8. It is next submitted that appellants are persons with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of assaulting the injured causing grievous injury on leg is against Mukesh. It is next submitted that though Sonu and Satyaranjan are alleged to have assaulted the informant and Pawan is alleged to have assaulted Ranglal and in like manner all the accused have been alleged of assaulting one person or the other. It is submitted that it does not appear probable that informant with such certainty could have remembered who assaulted whom and where. It is next submitted that though it is alleged that the occurrence took place in a Panchayati but then from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest the name of any independent witness who witnessed the occurrence. It is also submitted that appellants will not abscond rather will cooperate in the investigation to prove their innocence.

9. Learned Spl. P.P. for the State opposes the prayer



for anticipatory bail of the appellants.

10. Considering the aforesaid facts, let the appellant nos. 1, 2, 3, 5, 6, 7, 8, 10, 11, above-named, in the event of their arrest or surrender before the learned trial trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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.

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

(Satyavrat Verma, J)

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