

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3264 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- SC/ST District- Araria

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1. Vishal Kumar Sah son of Mishrichand Sah Village- North Maheshwari, Ps-jogbani District- Araria
 2. Mishrichand Sah son of Late Pahuplal Sah Village- North Maheshwari, Ps-jogbani District- Araria
 3. Mohini Devi wife of Mishrichand Sah Village- North Maheshwari, Ps-jogbani District- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Karan Kumar Paswan son of Raghu Nandan Paswan Village- W.No-16, Jogbani Ps- Jogbani Dist- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Ashutosh Nath, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-11-2025 Heard learned counsel for the appellants, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 24.06.2024 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Araria in ABA No. 1230 of 2024 arising out of SC/ST P.S. Case No. 14 of 2024 registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and Sections 3(1)(r), 3(i)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per F.I.R., these appellants are alleged to have abused informant by caste name and thereafter, on the order of appellant no. 2, appellant no. 1 assaulted informant and appellant no. 2 snatched cash of Rs. 25,000/- from the pocket of informant, appellant no. 1 snatched his gold chain and locket worth Rs. 70,000/- and appellant no. 3 attacked on his head with bamboo.

4. Learned counsel for the appellants submits that F.I.R. has been lodged after inordinate delay of thirty-nine days which itself raises doubt over veracity of the prosecution case. Case and counter case. Present case is counter blast of Jogbani P. S. Case No. 73 of 2024 which is earlier in point of time. There is no specific allegation of any overt act against these appellants. Rest of the allegations are ornamental only to make the case grave. There is admitted land dispute between the parties and insult was not solely caused because informant belongs to SC/ST category and as such, no case under SC/ST Act is made out against these appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.



6. Considering the delay in lodging the F.I.R., case and counter case and other facts and circumstances of the case, 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 1st Additional District & Sessions Judge-cum-Special Judge, Araria in ABA No. 1230 of 2024 arising out of SC/ST P.S. Case No. 14 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 24.06.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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