

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3352 of 2024

Arising Out of PS. Case No.-181 Year-2023 Thana- SHAHKUND District- Bhagalpur

Prem Chandra Moawar @ Dilkhush @ Premchandra Kumar @ Dilkhush
Kumar S/o- Shiv Narayan Mowar @ Manish Village- Dohradih, P.S.
Shahkund, Dist. Bhagalpur

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Chun Choudhary Village- Dohradih, P.S. Shahkund, Dist. Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Davendra Kumar Pandey, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-12-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 15.06.2024 passed in a case registered for the offence punishable under sections 147, 341, 323, 307 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act), whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per F.I.R. informant namely, Chun Choudhari alleged that on 20.04.2023, all the F.I.R. named accused persons including this appellant armed with lathi, khanti and iron rod came , abused informant and others by caste name and also



assaulted informant and others and during assault this petitioner assaulted on the head of one Shankar Choudhary by means of khanti.

4. It is submitted on behalf of appellant that as per F.I.R. this appellant is alleged to have assaulted one Shankar Choudhary but there is no injury report on record to substantiate the allegation of assault against this appellant. As a matter of fact, informant and his side had come to attend Bhagwat Katha where they started clicking pictures of womenfolk which was objected based on which an altercation took place and the informant sides assaulted the appellant sides. FIR has been instituted after a delay of five days which itself creates doubt over the entire prosecution case . It is further submitted that the instant FIR is a counterblast to Shahkund P.S. Case No. 168 of 2023. Appellant claims clean antecedent.

5 . Learned counsel for the respondent No. 2 opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount
each to the satisfaction of the learned Additional District and
Sessions Judge – III-cum Special Judge SC/ST Act, Bhagalpur
in connection with Shahkund P.S. Case No. 181 of 2023.

(Prabhat Kumar Singh, J)

Koushik/-

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

