

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3359 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- GURUA District- Gaya

1. Rekha Kumari @ Rekha Devi W/o Devkumar Thakur R/o Village- Naudiha PO- Nagwan PS- Gurua District-Gaya
2. Shailesh Kumar S/o Nand Kishor Thakur R/o Village- Naudiha PO- Nagwan PS- Gurua District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Ram Manjhi S/o Late Viky Rikiyasan R/o Village- Naudiha, P.S.- Gurua, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nagendra Upadhyay, Advocate Ms. Maya Shankar Mishra, Advocate Mr. Ashwani Kumar Tiwary, Advocate Mr. Gopal Krishna, Advocate Mr. Nishant, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Resp. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-11-2025 1. Heard learned counsel for the appellants, learned
Spl.P.P. for the State. No one appears on behalf of the
respondent no.2 inspite of service of notice.

2. The appellants have preferred this appeal against the order dated 20.5.2024 passed in A.B.P. no.155 of 2024 by the learned Exclusive Special Judge, SC/ST, Gaya and for grant of anticipatory bail in connection with Gurua P.S. Case no.57 of 2024 registered under sections 307, 341, 323, 324, 504 and 34 of the Indian Penal Code and sections 3(1)(r) and 3(1)(s) of the



SC/ST (PoA) Act, 1989.

3. As per the prosecution case, the six named accused persons including the two appellants herein are said to have come variously armed and of having assaulted the informant and Dulariya Devi causing injuries. The injured were taken to the government hospital for treatment.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case. There is case and counter case between the parties. Accepting the allegations levelled in the F.I.R. for the sake of argument, no offence under the SC and ST (PoA) Act is made out. The manner of occurrence is other than what has been narrated in the F.I.R., the correct version having been given in the F.I.R. registered by Dev Kumar Thakur i.e., the husband of the appellant no.1. Even otherwise the injury has been opined to be simple in nature. The appellants have no criminal antecedent.

5. The appeal is opposed by learned Spl.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., there being case and counter case between the parties, the injuries having been found to be simple in nature together with the



material which has transpired in course of investigation and the appellants not having any criminal antecedent, the Court is inclined to allow the instant appeal.

7. The appeal is allowed and the order dated 20.5.2024 passed in A.B.P. no.155 of 2024 by the learned Exclusive Special Judge, SC/ST, Gaya is set aside.

8. It is directed that both the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Gurua P.S. Case no.57 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya.

(Partha Sarthy, J)

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