

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3475 of 2024**

Arising Out of PS. Case No.-158 Year-2024 Thana- SIWAN CITY District- Siwan

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Tinku Kumar @ Tinku Kumar Sah S/o- Guru Charan Sah @ Guru Charan Prasad VILL - BANGALI PAKADI, P.S. - MAHADEVA O.P. DIST - SIWAN

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Raj Kumar Manjhi son of Late Madan Manjhi Village- Hakaam Ps- Mahadeva OP Dist- Siwan

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bijay Prakash Singh  
For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      12-11-2025                      Heard learned counsel for the appellant, learned counsel for the Informant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 31.05.2024 passed by the learned Spl. Judge, SC/ST Act-cum-1st Additional District and Sessions Judge, Siwan in A.B.P. No. 977 of 2024 arising out of Siwan P.S. Case No. 158 of 2024 registered for the offence under Sections 341, 323, 307, 325, 504 and 506 of the Indian Penal Code and under Section 3(i)(r) (s) of the SC/ST Act by which the prayer of the petitioner for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that



the aperlant was stabbed by the informant of this case and a case has been filed by the appellant against the informant and a counter blast to the same, this false and fabricated case has been filed against the appellant and other accused with an allegation that they have assaulted the informant.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State and learned counsel for the informant have opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and therefore, this application for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 31.05.2024 passed by the learned Spl. Judge, SC/ST Act-cum-1st Additional District and Sessions Judge, Siwan in A.B.P. No. 977 of 2024 arising out of Siwan P.S. Case No. 158 of 2024, is hereby set aside.



8. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on 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 Spl. Judge, SC/ST Act-cum-1st Additional District and Sessions Judge, Siwan/concerned Court below in connection with Siwan P.S. Case No. 158 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

**(Sandeep Kumar, J)**

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