

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3649 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

-
1. Banty Singh @ Manish Kumar S/o- Nago Singh @ Ram Vinay Singh
Resident of Village PS- Cheriya Bariyarpur, Dist- Begusarai
 2. Manshu Jha @ Mansur Jha @ Jagmohan Jha son of Pawan Jha @ Pawan
Kumar Jha Resident of Village PS- Cheriya Bariyarpur, Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Paswan son of Kamli Paswan Resident of Village PS- Cheriya
Bariyarpur, Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subodh Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-08-2025 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and
learned Spl. Public Prosecutor for the State.

3. Earlier, the appellants' prayer for grant of
anticipatory bail stood dismissed as withdrawn *vide* order dated
16.07.2024 passed in Cr. Appeal (SJ) No. 2151 of 2024.

4. The present appeal has been filed for setting aside
the order dated 19.07.2024 passed by learned Exclusive Special
Judge, SC/ST (POA) Act, Begusarai in connection with Cheriya
Bariyarpur P.S. Case No. 43 of 2024 for the offences under



Sections 323, 341, 307, 504, 506/34 of the Indian Penal Code and Sections 3(1)(dha), 3(2)(va) of the SC/ST (POA) Act whereby and whereunder the prayer of the appellants for regular bail has been rejected.

5. As per the prosecution case, on 22.2.24 at about 10 PM, appellant no. 1 called the son of the informant in his hotel and when son of the informant reached Vishwakarma Chauk, Cheriya, Bariyarpur, then four persons caught hold of him and took him to the hotel of appellant no. 1 and all of them allegedly assaulted him. It is alleged that appellant no. 1 took the son of the informant to his house and tied him with a pole/*khutta*. It is further alleged that all the F.I.R. named accused persons including these appellants made his video and abused him by caste name and while making video, they forcibly made him drink wine.

6. Learned counsel for the appellants submits that allegation of assault is general and omnibus. There is no specific accusation of overt act against appellants. Doctor has found four injuries out of which three are of simple nature. F.I.R. has been lodged after inordinate delay of four days without any plausible explanation which itself raises doubt over veracity of the prosecution case. It is not the case of informant that alleged



incident occurred within public view, as such, no case under SC/ST Act is made out against the appellants. Appellant no. 1 claims clean antecedent and appellant no. 2 has got one criminal antecedent in which he is on bail. Appellants are in custody since 03.07.2024.

7. Considering the nature of accusation, simple injuries as well as period of custody, this Court sets aside the impugned order and directs the release of above named appellants on bail on furnishing bail-bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 43 of 2024.

(Prabhat Kumar Singh, J)

Navya/-

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

