

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4352 of 2024

Arising Out of PS. Case No.-716 Year-2023 Thana- DARIYAPUR District- Saran

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1. Nagendra Giri Son of Late Ram Pravesh Giri
 2. Jaybir Giri Son of Late Shiv Narayan Giri
 3. Jay Karan Kumar @ Jay Karan Giri @ Jaykan Kumar Son of Shivnarayan Giri
 4. Mithilesh Giri @ Mitlesh Giri Son of Late Nanda Giri
 5. Pintu Giri @ Pintu Kumar Son of Awdhesh Giri
 6. Tempu Giri @ Tinku Kumar @ Timpu Giri @ Tinpu Giri, Son of Awdesh Giri
- All are residents of Village- Kochwara, P.S.- Dariapur, Distt.- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Chulhai Ram Son of Hari Narayan Ram Residents of Village- Pahleza Sahpur Diara, P.S.- Sonpur, Distt.- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Nawal Kishore Singh, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, APP
for the OP No.2	:	Mr. Kumar Samarjeet Singh , Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants; learned Spl.
PP for the State and learned counsel for the OP No.2.

2. The appellants have preferred the appeal under Section 14A(2) of the SC/ST Act against the rejection of prayer for pre-arrest bail vide order dated 20.08.2024 passed by learned court of Exclusive SC/ST, Special Court, Saran at Chapra in connection with Dariapur P.S. Case No. 716/23 registered under Sections 341, 323 and 504/34 of the Indian Penal Code and



Sections 3(i)(r)(s) of the SC&ST (POA) Act.

3. As per the allegation made in the F.I.R., altogether nine accused persons, including the appellants is said to have assaulted the informant and they also used caste narrated words against him, when he went to their house to collect the remaining payment for his work pending with them.

4. Learned counsel appearing on behalf of the appellants submitted that appellants are innocent and have falsely been implicated in the present case due to pending land dispute. General and omnibus allegation has been levelled against the appellants. No specific allegation has been made against the particular appellants for using abusive language or taking caste name of the informant, rather the allegation is against all the accused, who are of the same family. Learned counsel further submitted that the appellants with respect to a piece of land bearing Khata No.951, plot No.7108 having an area of 14 katha 4 dhurs, have filed Title Suit No.97/2023, which is pending before the learned Munsif and at the behest of one Ram Prasad Yadav, who wants to grab the aforesaid land, the appellants have been implicated in a false case. Informant is the man of said Ram Prasad Yadav. Appellants have clean antecedent.



5. Learned counsel appearing on behalf of the informant and learned Spl.PP for the State have opposed the prayer for grant of bail to the appellants.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that no specific allegation has been made against the particular petitioners for using abusive language or taking caste name of the informant in public view, rather the allegation is against all the accused, who are of the same family and no visible injury is found in the report and also record reveals that appellants have filed Title Suit No.97/2023, which is pending before the learned Munsif and at the behest of one Ram Prasad Yadav, the appellants have been implicated in a false case. Be that as it may, in absence of any specific allegation against the appellants, who are having clean antecedents, the appellants, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Dariapur P.S. Case No. 716/23 ,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

7. Accordingly, the impugned order is set aside and appeal is allowed.

(Purnendu Singh, J)

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