

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4278 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- SC/ST District- East Champaran

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1. Shatrudhan Prasad @ Shatrudhan Sah Son of Late Raghuvir Sah R/O Vill.- Govindapur, P.S.- Harsidhi, Dist.- East Champaran, Motihari
 2. Pramod Sah @ Pramod Prasad Son of Shatrudhan Prasad R/O Vill.- Govindapur, P.S.- Harsidhi, Dist.- East Champaran, Motihari
 3. Guddu Kumar @ Subodh Kumar Son of Shatrudhan Prasad R/O Vill.- Govindapur, P.S.- Harsidhi, Dist.- East Champaran, Motihari
 4. Lalan Sah Son of Late Basant Sah R/O Vill.- Govindapur, P.S.- Harsidhi, Dist.- East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Rameshwar Choudhary Son of Late Gena Choudhary R/O Vill.- Govindapur, P.S.- Harsidhi, Dist.- East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sharda Nand Mishra, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. P.P.
	:	Mr. Vishwa Ranjan Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-12-2025 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 27.08.2024 in A.B.P. No. 3691 of 2024 passed by the learned Special Judge, S.C./S.T. Court, East Champaran, Motihari in connection with Motihari SC & ST P.S. Case No. 41



of 2024 registered for the offences punishable under Sections 341, 323, 324, 379, 307, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellant nos.1, 2 and 4 have antecedent of one case and appellant no.3 is the person with clean antecedent and the informant alleges that Shatrudhan Sah has taken goods worth of Rs. 5,000/- on credit from his shop with an assurance to return the same within 15 days, on 13.05.2024, Shatrudhan Sah came to his shop and asked for cloth worth Rs. 2,000/- on credit, the same was refused and the informant demanded his earlier due money, as such Shatrudhan Sah went away, thereafter on 13.06.2024 itself at 06:00 P.M. while informant was going home and reached near the house of Shatrudhan Sah, the accused persons including the appellants surrounded him and Guddu Kumar assaulted him by knife causing injury on ear and repeated the assault causing injury on head while Lalan Sah assaulted by knife causing injury on stomach and repeated the blow causing injury on hand and Pramod Sah took Rs. 3750/- from his pocket.

4. Learned counsel for the appellants submits that the



appellants have been falsely implicated in the present case, by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the date of occurrence is 13.06.2024 and the FIR was instituted on 18.06.2024, it is submitted that had the injured been stabbed in that event the hospital would have informed the Police but then that is not the case as the FIR has been instituted based on a written application of the informant. It is also submitted that from the allegation it is clear that there was a commercial dispute in between informant and Shatrudhan Sah. It is further submitted that a dispute had arisen in between Shatrudhan Sah and the informant as such Shatrudhan Sah instituted Harsidhi P.S. Case No. 336 of 2024 dated 17.06.2024 against the informant and others. It is submitted that since Harsidhi P.S. Case No. 336 of 2024 came to be instituted on 17.06.2024, as such, the informant instituted the instant FIR by way of a counterblast alleging that occurrence took place on 13.06.2024. The learned counsel for the appellants asserts and submits that no one was injured in the occurrence by stabbing.

5. Learned Spl. P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the appellants. Learned counsel for the informant submits that there



is specific allegation in the FIR of causing injury to two injured by stabbing on which, the learned counsel appearing on behalf of the appellants submits that he has instructions to make submissions that no injury to any injured was caused by stabbing.

6. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

8. However, the informant would be at liberty to file an application seeking cancellation of anticipatory bail if the injured, named in the FIR, suffered stab injury.

(Satyavrat Verma, J)

AjayMishra/-

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