

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4729 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- SC/ST District- Rohtas

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1. Mahavir Yadav S/O Late Lagan Yadav R/O Village- Noke Parasi, P.O- Gorakh Parasi, P.S- Karakat (Gorary), Distt.- Rohtas.
 2. Mantosh Yadav @ Mantosh Kumar S/o Mahavir Yadav R/O Village- Noke Parasi, P.O- Gorakh Parasi, P.S- Karakat (Gorary), Distt.- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Naju Ram S/O Late Algu Ram R/O Village- Noke Parasi, P.O- Gorakh Parasi, P.S- Karakat (Gorary), Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Pandey, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

For respondent no.2 : Mr. Tiwary Shwetket, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 12-11-2025 Heard Mr. Arvind Kumar Pandely, learned counsel for the appellants and Mr. Tiwary Shwetket learned counsel for respondent no. 2.

2. This criminal Appeal has been preferred against the order dated 11.09.2024 passed by learned Additional District and Sessions Judge-17 cum Special Judge, SC/ST Act, Sasaram, Rohtas in connection with Dehri-on-Sone SC/ST P.S. Case No. 44 of 2024 for the offences under sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and section 3(1)(r)(s) (w), 3(ii) (Va) of the SC/ST Prevention of Atrocities Act, whereby and where under the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution story, lodged on 19.07.2024, the informant alleged that on 12.06.2024 while his son was getting the buffalo grazed in the field, the two appellants came and after taking



caste name, assaulted his son and when the wife of the informant came to his rescue, she was also assaulted with legs and fists. When the informant returned from work and went to the appellants' place for enquiry, allegation is that the appellant no.1 threatened to kill him. This led to the FIR.

4. Learned counsel for the appellants submit that allegation is of 12.06.2024, the FIR came to be lodged on 19.07.2024, more than a month later, there is nothing on record to show the reason for the said delay. Further, case diary nowhere records the injury report which falsify the allegation. The last submission is that the FIR do not show that any occurrence was/were made in public view and/or in the presence of any public.

5. Learned counsel represent the respondent no.2 opposes the prayer submitting that being a layman, they had no knowledge of lodging of the FIR and were busy in treatment of the lady.

6. As recorded, the case diary has come and learned Spl. P.P. acknowledged that there is no injury report in the entire case diary.

7. Considering the aforesaid facts, delay in lodging of the FIR, these two appellants have no criminal antecedent, injury report is not on record, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Accordingly, the order dated 11.09.2024 passed by the learned Additional District and Sessions Judge-17 cum Special



Judge, SC/ST Act, Sasaram, Rohtas in connection with Dehri-on-Sone SC/ST P.S. Case No. 44 of 2024 is set aside.

9. The criminal appeal is allowed.

10. Let the appellants be released on bail, in the event of their arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Dehri-on-Sone SC/ST P.S. Case No. 44 of 2024 to the satisfaction of learned Additional District and Sessions Judge-17 cum Special Judge, SC/ST Act, Sasaram, Rohtas subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;

(ii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the appellants shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the appellants shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted



before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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