

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5395 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- BHARGAMA District- Araria

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1. Manish Kumar Paswan S/o Harvendra Paswan @ Harendra Paswan R/o village-Hatiwal Sonapur, P.S-Bhargama, District-Araria
 2. Priyanshu Kumar Singh @ Priyanshu Kumar @ Chhotu Singh S/o Mithilesh Singh R/o Village-Dhaneshwari, P.S-Bhargama, District-Araria.
 3. Manjesh Kumar Jha @ Brajesh Kumar Jha @ Manjesh S/o Sanjay Jha R/o Village-Mangalwar, P.S-Bhargama, District-Araria.
 4. Bihari Kumar Singh @ Bihari Singh @ Dhananjay Kumar S/o Mithilesh Singh R/o Village-Dhaneshwari, P.S-Bhargama, District-Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Paswan S/o Bipat Paswan R/o Village-Hatiwala Sonapur Ward No. 01, P.S-Bhargama, District-Araria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar Rana, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Resp. No. 2	:	Mr. Vijay Kishore Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2025 Heard Mr. Mukesh Kumar Rana, learned counsel for the appellants, Mr. Vijay Kishore Bharti, learned counsel appearing on behalf of the Respondent No. 2 as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 03.11.2023 passed by the learned Court of 1st Additional Sessions Judge-cum-Special Judge, Araria in ABP No. 2745 of 2023 in connection with Bhargama P.S. Case No. 202 of 2023,



F.I.R. dated 26.07.2023 registered under Sections 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, on the order of appellant no. 1, the appellant nos. 2 & 4 have assaulted the informant and appellant no. 3 snatched Rs. 5,000/- from his pocket.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the F.I.R. is in two parts, according to part one, the informant has alleged that the appellants have abused him by his caste name and according to part two, some of the appellants have assaulted the informant. He further submits that it transpires from the F.I.R. that the appellants have not used any caste name. He further submits that the appellant nos. 1, 2 & 4 have assaulted to the informant but the injury report of the informant suggests that injury is simple in nature.

5. Learned counsel appearing on behalf of the



Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that there is direct and specific allegation of assault against these appellants.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances that the appellants have clean antecedent, injury report of the injured person suggests that the injury is simple in nature and apart from that it transpires from the F.I.R that the appellants have not taken the caste name of the informant, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge-cum-Special Judge, Araria in ABP No. 2745 of 2023 in connection with Bhargama P.S. Case No. 202 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023



and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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