

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5345 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- BHIMPUR District- Supaul

Abhimanyu Mehta @ Abhimanyu Kumar S/O- Chandrakishore Mehta @
Channanand Mehta Village- Kewala P.S.- Bhimpur District-Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Asha Devi W/O- Nand Kishore Paswan, Village- Kewala, W.No- 1, P. S.-
Bhimpur Dist-Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumar Goutam, Adv.
For the Informant	:	Ms. Rupa Kumari, Adv.
For the State	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-11-2025 Heard Mr. Kumar Goutam, learned counsel for the

appellant, Ms. Rupa Kumari, learned counsel for the informant

and Mr. Binay Krishna, learned Spl. PP for the State.

2. The instant appeal has been preferred by the
appellant under section 14A(2) of the Scheduled Castes and the
Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short
'SC/ST Act'), against the order dated 21.10.2024 passed by the
Court of learned Additional Sessions Judge-1st-cum-Special
Judge SC/ST Act, Supaul, in connection with ABA No.
1034/2024, arising out of Bhimpur P.S. Case No. 94/2023, by
which the appellant's prayer for anticipatory bail has been
rejected.



3. The main submissions advanced by the learned counsel for the appellant are that the appellant has fair and clean antecedent, the FIR has been registered against ten accused persons including the appellant, from the narration of the FIR, it is clearly evident that it was the informant who reached first at the place of occurrence which is said to be near railway track upon hearing the cries of her husband and tried to save him as per allegations but she could not reveal the names of the accused despite the accused persons including the appellant being the co-villagers of the informant and further the allegation is that the said ten accused badly assaulted the informant's husband by using sharp-edged weapons but the injuries found on his person show that he sustained only two lacerated wounds one on his left eyebrow and another on his occipital region and both have been opined to be simple in nature which falsifies the allegation of assault by means of sharp-edged weapons. It is further submitted that in fact there is a land dispute in between both the parties and on the alleged day of occurrence, the prosecution party assaulted the accused persons of the present matter causing serious injuries to them and the injury report of one of them, namely Vinay Kumar, has been filed as Annexure-AP5 showing one grievous injury on his body, in fact, an



occurrence of free fight took place in between both the parties due to a land dispute and the genesis of occurrence as mentioned in the FIR is not correct and the alleged occurrence did not take place in the manner described in the FIR. It is lastly submitted that two co-accused persons carrying similar nature of allegations have been granted the relief of anticipatory bail by the coordinate bench of this court vide order dated 24.07.2025 passed in Cr. APP(SJ) No. 303 of 2024.

4. Ms. Rupa Kumari, learned counsel for the respondent no.2, has opposed this appeal and submits that against the appellant, there are serious allegations and prosecution party was badly assaulted by the accused persons including the appellant and the appellant does not deserve the relief of anticipatory bail on account of the provisions of Section 18 of the SC/ST Act.

5. Mr. Binay Krishna, learned APP for the State has also opposed the prayer of the appellant.

6. Considering the aforesaid submissions and mainly the facts that in between both the parties there is a land dispute and on the alleged day of occurrence one Vinay Kumar, who happens to be the brother of the appellant sustained grievous injury whose injury report has been filed as Annexure- AP5 and



the appellant has taken the plea that an incident of free fight took place resulting in injuries to both the sides and the prosecution has failed to explain the injuries sustained by the said Vinay Kumar who is also one of the co-accused and further, the informant could not be able to identify the accused despite they being co-villagers of her husband and as per the FIR, the informant was the first person to reach the place of occurrence upon hearing the cries of her husband which creates a serious doubt in the prosecution story and further, two co-accused persons carrying similar nature of allegations have been granted the relief of anticipatory bail by the coordinate Bench of this Court, in my opinion, it is a fit case for anticipatory bail to the appellant.

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

8. Let the appellant, above named, in the event of his arrest/surrender within four weeks from today before the Court below, be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st -cum-Special Judge- SC/ST Act, Supaul, arising out of Bhimpur P.S. Case No. 94/2023, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shailendra Singh, J)

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