

Arising Out of PS. Case No.-258 Year-2023 Thana- MAHNAR District- Vaishali

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- Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr .Awadhesh Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-07-2025 Heard learned counsel for the parties. Despite
valid service of notice nobody appears on behalf of respondent
No. 2.

2. This appeal has been filed for setting aside order dated 22.11.2023 passed in a case registered for the offence punishable under sections 341, 323, 324, 504, 506, 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely



Rak Kumar Prasad alleged that earlier the family member of informant was killed by accused Abhishek Kumar and others and thereafter a case was registered as P S case No. 143 of 2020 in which informant is prime witness and due to same , accused persons threatened the informant to withdraw the aforesaid case and on refusal by informant, on 04.09.2023 at about 09:30 AM , all the F.I.R., named accused persons armed variously came at the door of informant abused him by caste name and assaulted informant and threatened him with dire consequences and fled away from the spot.

4. It is submitted that appellants are innocent and have falsely been implicated in this case due to land dispute . As a matter of fact, prior to the alleged occurrence on 24.03.2023 , appellant No. 1 filed an application against informant and others before Circle Officer Manhar Viashali for measurement of land which was being encroached by informant and others and in order to create defence , this false and concocted case has been lodged against these appellants. There is no injury report on record to substantiate the allegation of assault. It is not the case of informant that any member of public was present at the time of occurrence , as such no case under SC / ST Act is made out. Appellants claim clean antecedent.



5 . Learned special Public Prosecutor for the State
opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is
allowed and the impugned order is set aside. Let the appellants,
named above, in the event of arrest/surrender within a period of
eight weeks from the date of receipt/production of a copy of this
order, be enlarged on bail 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 Exclusive Special
Judge, SC/St, Vaishali at Hajipur in connection with Mahnar
Police Station Case No. 258 of 2023 .

(Prabhat Kumar Singh, J)

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