

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.81 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- MINAPUR District- Muzaffarpur

1. Vinod Prasad Son Of Sarwan Prasad R/O Vill.- Gadaichak, P.S.- Minapur, Dist.- Muzaffarpur
2. Santosh Kumar Son Of Jai Nandan Prasad R/O Vill.- Gadaichak, P.S.- Minapur, Dist.- Muzaffarpur
3. Harendra Prasad Son Of Chandeshwar Prasad R/O Vill.- Gadaichak, P.S.- Minapur, Dist.- Muzaffarpur
4. Mahesh Prasad Son of Late Gulab Chand Prasad @ Dular Chand Prasad R/O Vill.- Gadaichak, P.S.- Minapur, Dist.- Muzaffarpur
5. Raja Ram Prasad Son Of Shiv Dhari Bhagat R/O Chak Imad, P.S.- Minapur, Dist.- Muzaffarpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rekha Devi W/O Rajesh Paswan R/O Gadaichak, P.S.- Minapur, Dist.- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar Choudhary, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-07-2025 Heard learned counsel appearing on behalf of the appellants and Spl. Public Prosecutor.

2. This appeal has been filed against the order dated 22.11.2023 passed by learned Special Judge SC/ST (POA) Act, Muzaffarpur in ABP No. 4168 of 2023 in connection with Minapur P.S. Case No. 445 of 2023, registered under Sections 147, 149, 341, 323, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. Prosecution case, in brief, is that on 12.10.23 at about 8 PM, when informant was in her house, all the F.I.R. named accused persons including these appellants entered the house of informant, abused her by caste name and assaulted her due to previous dispute with regard to private pathway. It is alleged that appellant no. 1 attacked on the head of informant with sword and appellant no. 2 assaulted with knife on the left hand of informant as a result of which she sustained injuries.

4. It is submitted on behalf of appellants that appellants are innocent and have committed no offence. As a matter of fact, wife of appellant no. 1 is elected ward member of ward no. 13. She defeated mother of one Anil Kumar and informant is supporter of Anil Kumar. He further submits that reason behind the present case is that a PCC road was under construction in ward no. 13 and informant's side was demanding ransom for the construction of the road from the contractor to which appellants protested and in this regard appellant no. 1 and others filed informatory petition before the learned SDM, East Muzaffarpur against informant on 09.10.2023 and thereafter, this false and concocted case has been lodged against the



appellants. Allegation against appellants is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within the public view as such, no offence under SC/ST Act is made out. Appellant nos. 1, 2, 4 & 5 claim clean antecedent and appellant no. 3 has got one criminal antecedent in which he is on bail.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposed the bail application and submitted that there is specific accusation of physical assault against appellant nos. 1 & 2. As per injury report, informant sustained two injuries i.e. one over left arm and another over left parietal region of head.

6. Considering the fact that there is specific accusation against appellant nos. 1 & 2 and injury report of the informant, I do not find any ground to interfere with the order of the learned court below and as such, the **instant appeal with regard to appellant nos. 1 & 2, is hereby rejected.**

7. However, considering nature of accusation of rest of the appellants, let the appellant nos. 3 to 5, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of Special Judge SC/ST (POA) Act, Muzaffarpur in ABP No. 4168 of 2023 in connection with Minapur P.S. Case No. 445 of 2023.

7. Accordingly, this **criminal appeal is allowed with regard to appellant nos. 3 to 5** and impugned order dated 22.11.2023 is set aside with respect to these appellants only.

8. This appeal is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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