

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5684 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- RAFIGANJ District- Aurangabad

Manju Devi @ Manju Kumari D/O-Suresh Paswan, Wife of Vikash Paswan
@ Vikas Kumar @ Vikash Kumar Resident of Village -Wagit Nima, PO and
PS -Rafiganj, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohini Kumari D/O- Suresh Paswan Resident of Village- Nima Wagit, PO
and PS -Rafiganj, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant	:	Ms. Muskan Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-05-2025 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 25.11.2024 passed in a case registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 307, 379,
504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s)
and 3(2)(va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of this appellant has been rejected.



4. As per prosecution case, it is alleged that all the F.I.R. named accused persons, including this appellant, came variously armed and tried to forcibly grab the land of informant and her co-sharers and on protest, all of them brutally assaulted informant and others and caused grievous injuries. It is further alleged that all the accused persons abused informant by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant is quite innocent and has committed no offence. Allegation of assault is general and omnibus and there is no specific accusation of overt act against this appellant. There is no injury report on record to substantiate the allegations. It is further submitted that there is admitted land dispute between the parties and there is case and counter-case. Appellant also belongs to scheduled caste and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated



25.11.2024 passed by the learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with A.B.P. No. 2519 of 2024 arising out of Rafiganj P.S. Case No. 487 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Rafiganj P.S. Case No. 487 of 2023.

(Prabhat Kumar Singh, J)

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