

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.120 of 2024**

Arising Out of PS. Case No.-208 Year-2023 Thana- MANJHI District- Saran

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Kundan Yadav @ Kundan KUMar Son of Laxman Yadav @ Lakman Ray R/o
vill - Chainpur, P.S. - Manjhi, Distt. - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Babu Chaudhary Son of Late Tufani Chaudhary R/o vill - Chauba
Asthan, P.S. - Manjhi, Dist. - Saran

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Pratyush Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-08-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant.

2. This appeal has been filed for setting aside order dated 11.10.2023 passed in a case registered for the offence punishable under Sections 341, 323, 385, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons,



including this appellant, abused informant by caste name and assaulted him as a result of which informant sustained grievous injuries.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that on account of land dispute between the parties, simple *maar-peet* took place. Allegation of assault is general and omnibus. It is further submitted that the present F.I.R. has been lodged after inordinate delay of 15 days and there is no plausible explanation for the same. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have vehemently opposed this appeal and submitted that appellant is named in the F.I.R. with specific accusation that he, along with other F.I.R. named accused persons, abused informant by caste name and assaulted him as a result of which he sustained grievous injuries. It is further



submitted that just after 8 days of lodging of the present F.I.R., this appellant along with others again abused informant by caste name and assaulted him by means of rod, fist and knife as a result of which he against sustained grievous injuries for which Manjhi P.S. Case No. 212 of 2023 was registered against the appellant and others and as such, if the appellant is granted the privilege of anticipatory bail, there is every possibility that he will tamper with the evidence. Appellant has got two criminal antecedents.

6. Considering the facts and circumstances of the case, nature of injuries sustained by the injured, criminal antecedents and conduct of the appellant, the prayer for grant of anticipatory bail to the appellant is rejected and this appeal is dismissed.

(Prabhat Kumar Singh, J)

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