

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1147 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- DAUDPUR District- Saran

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1. Abhimanyu Pathak @ Bittu Kumar Pathak @ Piyush Kumar Pathak Son of Rajkishore Pathak Resident of Vill-Dhrampura, P.O.- Dhrampura, P.S.-Daudpur, Dist.- Saran.
 2. Sonu Pathak @ Ashwinee Kumar Pathak son of Late Dinanath Pathak Resident of Vill-Dhrampura, P.O.- Dhrampura, P.S.-Daudpur, Dist.- Saran.
 3. Rajkishore Pathak son of Late Kamla Pathak Resident of Vill-Dhrampura, P.O.- Dhrampura, P.S.-Daudpur, Dist.- Saran.
 4. Nandkishore Pathak son of Late Kamla Pathak Resident of Vill-Dhrampura, P.O.- Dhrampura, P.S.-Daudpur, Dist.- Saran.
 5. Kaushal Kishore Pathak son of Late Kamla Pathak Resident of Vill-Dhrampura, P.O.- Dhrampura, P.S.-Daudpur, Dist.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradip Kumar Ram son of Ganesh Ram Resident of Vill-Dhrampura, Panchayat -Bareja, Ward no. 12, P.O.- Dhrampura, P.S.-Daudpur, Dist.- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivesh Sinha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 25-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State. Although vakalatnama has been filed on behalf of respondent No.2, there is no representation on his behalf.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated



15.01.2025 passed by learned Exclusive Special Judge (SC/ST Act), Saran, in A.B.P. No. 4546/2024 arising out of Daudpur P.S. Case No. 281 of 2024 registered under Sections 126(2), 115(2), 118(1), 109, 76, 303(2), 352, 351(1) and 3(5) of B.N.S. and Sections 3(1)(r)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on 16.12.2024 at around 9 to 10 PM, the informant had gone to attend Shradh Rituals, no sooner, he occupied a chair, Abhimanyu Pathak (appellant no.1) came and started abusing and shouting at him and said that how could he sit on a chair. When the informant opposed, he was dragged by his collar, chased away and slapped. The appellants no. 4 and 5, co-accused Raj Kishore and six unknown persons variously armed, came at the door of the informant entered into his house and started abusing the informant and misbehaved with his family members and dragged the informant's wife, sister, mother and daughter catching hold of their hair and tore their clothes. On hulla, when Dheeraj Kumar Manjhi and Dhananjay Kumar came to their rescue, Abhimanyu Pathak (appellant no.1), Sonu Pathak



(appellant no.2) and co-accused, Ghuman Pathak assaulted on the head of Dheeraj Kumar with farsa with intention to kill, due to which he sustained head injury and Nand Kishore Pathak (appellant no.4) snatched gold chain from his neck and assaulted with farsa causing serious injury on his left hand. Thereafter, Kaushal Kishore Pathak (appellant no.5) snatched Rs. 2,89,000/- from his bag and kicked on the private part of Dheeraj Manjhi as a result of which he sustained injury and fell unconscious on the ground.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. It is further submitted that occurrence took place suddenly on the issue of eating in the Shradh Ceremony. He further submits that there is case and counter case between the parties, although appellants no.1, 2 and co-accused Ghuman Pathak are alleged to have assaulted by means of farsa on Dheeraj Kumar, but the injury report of Dheeraj Kumar suggests that he has received simple injuries by means of hard and blunt substance, while Nand Kishore Pathak (appellant no.4) who is specifically alleged to have assaulted on the head of the informant, the injury report suggests that injury on head is simple in nature, while injury no.2 on the wrist- joint



is grievous in nature, which is not attributed to any of the accused persons. The alleged abuse having not taken place within the public view and the ingredients of Section 76 of the B.N.S. is not fulfilled and the allegation with respect to Section 303(2) of B.N.S. appears to be ornamental in nature. It is further submitted that there is a delay of two days in lodging the FIR. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that the appellants are actively involved in the present occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that there is case and counter case between the parties and the occurrence took place suddenly without any premeditation to kill and appellant no.4 (Nand Kishroe Pathak) is alleged to have assaulted by means of farsa (sharp cutting weapon), the injuries on the head of the informant is simple in nature caused by hard and blunt substance, the alleged abuse having not taken place within public view, let the above named appellants, in the event of their arrest/surrender



within a period of six weeks, be released 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 learned Exclusive Special Judge (SC/ST Act), Saran, in connection with Daudpur P.S. Case No. 281 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, this appeal is allowed and the impugned order dated 15.01.2025 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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