

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1958 of 2025

Arising Out of PS. Case No.-700 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Faisal Khan S/o Mrityunja Khan R/o Village- Dharm Makriyar Badli, P.S.-
Dhanauti, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Bandhu Manjhi S/o Ramanand Manjhi R/o Village- Dharm Makriyar Badli,
P.S.- Dhanauti, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-07-2026 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
15.04.2025 passed by the learned 1st Additional Sessions Judge-
cum-Special Court, Siwan in connection with ABP No.2915 of
2024 arising out of Siwan Muffassil (Dhanauti O.P.) P. S. Case
No.700 of 2024, instituted for the offences under Sections
326(b), 3(5) of the B.N.S. and Section 3(2)(iv) of the Scheduled
Castes & Scheduled Tribes (Prevention of Atrocities) Act,
whereby his prayer for grant of anticipatory bail has been
rejected.

3. The learned counsel appearing on behalf of the



appellant submits that from perusal of the office report dated 28.04.2026, it would manifest that ordinary notice has been received by the father of the respondent no.2.

4. Since notice has been received by the father of respondent no.2, hence it is deemed to be validly served.

5. The learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and is a young boy aged about 19 years and the informant alleges that appellant along with three unknown accused set ablaze the canopy kept on the tarrice and acted inappropriately with his dumb niece.

6. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that allegation of setting ablaze the canopy kept on the tarrice is general and omnibus in nature. It is further submitted that the date of occurrence is 01.11.2024 and the FIR came to be instituted on 04.11.2024 i.e. after a delay of three days without any plausible explanation. It is next submitted that appellant and the informant are neighbours and are having dispute relating to passage. It is further submitted that entire occurrence took place



inside the house of the informant, thus was not in public view. It is also submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest.

7. The learned Special P. P. opposes the anticipatory bail application.

8. Regard being had to the aforesaid submissions, the order dated 15.04.2025 is set-aside.

9. The appeal stands allowed.

10. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Court, Siwan in connection with ABP No.2915 of 2024 arising out of Siwan Muffassil (Dhanauti O.P.) P. S. Case No.700 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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