

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3665 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- SC/ST District- Gopalganj

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1. Pramod Kumar Shrivastava S/O Sri Harendra Prasad Shrivastava R/O Village- Makundia (Basdila), Ps. Gopalganj, Dist. Gopalganj
 2. Prakash Kumar Shrivastava @ Prakash Kumar S/O Pramod Kumar Shrivastava R/O Village- Makundia (Basdila), Ps. Gopalganj, Dist. Gopalganj

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shambhu Kumar Manjhi S/O Rama Manjhi R/O Village- Majhwaliya, Ps. Manjhagarh, Dist. Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyendra Rai
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Ms. Shilpi Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 08-04-2026 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 02.05.2023 passed by the learned Additional Sessions Judge-III-cum-S.C./S.T. Special Court, Gopalganj in connection with Gopalganj P.S. Case No. 12 of 2023 registered for the offences punishable under Sections 341, 323, 406, 420,



504 and 34 of the Indian Penal Code as well as Sections 3(1)(r) (s), 3(2)(va) of the SC and ST Act.

3. Learned counsel for the appellants after arguing vehemently for some time realising his difficulty seeks permission to withdraw the appeal with respect to appellant no. 1, namely, Pramod Kumar Shrivastava.

4. Permission is accorded.

5. Learned counsel for the appellants submits that appellant no. 2 has antecedent of one case and the informant alleges that he was acquainted with the appellants and Harendra, further Pramod in the month of August 2022 disclosed that if he wants to go to Malaysia for earning his livelihood he can send him but the cost is Rs.1,00,000/-. It is next submitted alleged that the informant gave Rs. 1,00,000/- to Pramod who sent the informant's brother to Bangkok on tourist visa but his brother was arrested by Bangkok police, since the tourist visa was found forged and fabricated, thereafter, his brother was deported back to India, accordingly, the informant went to seek his money back when accused persons refused to return the money and threatened, further on 05.03.2023 informant along with his cousin brother went to the house of the accused persons, but was abused by taking caste name.



6. Learned counsel for the appellants submits that the appellants no. 2 has been falsely implicated in the instant case by the informant, it is next submitted that thrust of the allegation is against Pramod, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that it was Pramod who had disclosed to the informant that he can send him to Malaysia for earning his livelihood based on which Rs.1,00,000/- is given but then his brother was sent to Thailand where he was arrested and deported back to India on the ground that visa was forged and fabricated. It is next submitted that as far as appellant no. 2 is concerned, the allegation against him is that when informant along with his brother went to the house of the accused persons for seeking his money back, he was abused and threatened. It is next submitted that allegation of abuse and threatening is general and omnibus in nature. It is further submitted that even presuming what has been alleged to be true without admitting, still the occurrence did not take place in public view, rather was committed at the house of the appellants.

7. Learned Spl. P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the appellant no. 2 but are not in a position to rebut the submission



of the learned counsel appearing for the appellant no. 2 that allegation of abuse and threatening is general and omnibus in nature and occurrence took place at the house of the appellants and thus was not in public view.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 02.05.2023 passed by the learned Additional Sessions Judge-III-cum-S.C./S.T. Special Court, Gopalganj in connection with Gopalganj P.S. Case No. 12 of 2023 is hereby set aside and the appellant no. 2, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gopalganj P.S. Case No. 12 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Gaurav Sinha/-

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