

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4095 of 2024

Arising Out of PS. Case No.-257 Year-2024 Thana- MURLIGANJ District- Madhepura

Pradeep Sah @ Pradeep Kumar Son of Gonar Sah Resident of Village - Sahuriya, Ward No.- 11, Police Station - Jankinagar, District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Munna Paswan Son of Kailu Paswan Resident of Village - Sahuriya, Ward No.- 11, Police Station - Jankinagar, District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Shri Nawal Kishore Agrawal, Sr. Advocate Shri Uday Chand Prasad, Advocate Ms. Pooja Prasad, Advocate Mr. Kumar Rajdeep, Advocate
For the Respondent/s	:	Shri Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 25-06-2026 1. Heard Shri Nawal Kishore Agrawal, learned Senior Counsel for the appellant and learned Special Public Prosecutor for the State.

2. No one appears on behalf of the informant.

3. 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 07.08.2024 in A.B.P. No. 969 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Madhepura in connection with Murliganj P.S. Case No. 257 of 2024 registered under Sections 341, 342, 323, 307, 379, 504 and 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.



4. Learned Senior Counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that he was intercepted by the accused persons while he was going to the market and appellant assaulted him by an iron rod causing injury on head while Dil Khush took out cash from the pocket of the informant.

5. Learned Senior Counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that there is no allegation of hurling abuse, rather allegation is of assault by an iron rod by the appellant causing injury on head but then it is submitted that the date of occurrence is 25.05.2024 and the FIR came to be instituted on 02.06.2024 i.e. after a delay of more than eight days which casts an aspersion on the case of the prosecution. It is next submitted that had the informant been assaulted in the manner as alleged in that event, the Doctor would have informed the police that a case of assault is being treated in the hospital. It is also submitted that from perusal of para 15 of the case diary, it would manifest that though injury has been opined to be grievous but then the injury is not on head, rather the injury report records that injury on clavicle is grievous which does not get corroborated by the allegation as alleged in the FIR.

6. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellant and submits that case diary has not been called for on which learned Senior



Counsel appearing on behalf of the appellant submits that he has a copy of the case diary, as such, learned Special Public Prosecutor after perusing para 15 of the case diary fairly submits that the same does not record any injury on head.

7. Considering the submissions made by the learned Senior Counsel appearing on behalf of the appellant and also taking into consideration that the FIR was instituted based on the written report of the informant after a delay of more than eight days, let the appellant, above-named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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