

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4248 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- MANJHI District- Saran

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1. OM PRAKASH GUPTA S/O RAMJI PRASAD GUPTA R/O VILLAGE- MUBARAKPUR, P.S- MANJHI, DISTT.- SARAN AT CHHAPRA.
 2. PINTU KUMAR @ PINTU PRASAD GUPTA S/O OM PRAKASH GUPTA R/O VILLAGE- MUBARAKPUR, P.S- MANJHI, DISTT.- SARAN AT CHHAPRA.
 3. DHARMENDRA KUMAR GUPTA @ DHARMENDRA PRASAD GUPTA S/O OM PRAKASH GUPTA R/O VILLAGE- MUBARAKPUR, P.S- MANJHI, DISTT.- SARAN AT CHHAPRA.
 4. RANJAN RAJ GUPTA @ RANJAN PRASAD GUPTA @ RANJAN PRASAD S/O SHAMBHUJI GUPTA @ SHAMBHU JI PRASAD R/O VILLAGE- MUBARAKPUR, P.S- MANJHI, DISTT.- SARAN AT CHHAPRA.
 5. RAJEEV KUMAR GUPTA @ MUNNA PRASAD S/O JAI PRAKASH GUPTA R/O VILLAGE- MUBARAKPUR, P.S- MANJHI, DISTT.- SARAN AT CHHAPRA.

... .. Appellant/s

Versus

1. The State of Bihar
2. RADHIKA DEVI W/O RAGHU NATH SAH R/O VILLAGE- MUBARAKPUR, P.S- MANJHI, DISTT.- SARAN AT CHHAPRA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 21-04-2026 1. Heard learned counsel for the appellants and learned Special Public Prosecutor 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 25.08.2023 in A.B.P. No. 2606 of 2023 passed by the learned Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Manjhi P.S. Case No. 218 of 2023 registered under Sections 341, 323, 324, 325, 354, 379, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 04.06.2023, at 12:00 noon, the accused persons including the appellants came on account of dispute relating to drain and started abusing and Pintu Kumar (appellant no. 2) assaulted the informant by knife causing injury on head and when Indrajeet came to save her, all the accused persons assaulted him by lathi and danda and Dharmendra snatched chain of Indrajeet. Further, Ranjan and Pintu Kumar held the hand of Rajni and pulled her *saree*, thus, she was partly unveiled.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on a



trivial issue of drain, the occurrence is alleged to have taken place. It is next submitted that appellants and the informant are neighbour and a dispute regarding drain is existing in between the parties for which an altercation took place in between Pintu Kumar and the informant and thereafter the instant FIR came to be instituted with exaggerated allegation. It is also submitted that no doubt, it is alleged that appellants abused by taking caste name but then it does not appear probable that all appellants in one go would have abused the informant by taking caste name. It is submitted that allegation of assault is also general and omnibus with regard to the appellants, except Pintu Kumar (appellant no. 2) and allegation of snatching of chain and pulling hand of Rajni is ornamental in order to give seriousness to the case. It is further submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of the informant and, thus, was not in public view.

5. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellants and submits that there is specific allegation against Pintu Kumar (appellant no. 2) of assaulting the informant by knife causing injury on head on which learned counsel appearing on behalf of



the appellants submits that from perusal of the order impunged, it would manifest that the injury has been discussed and the same has been opined to be simple in nature caused by hard and blunt substance when knife is a sharp edged weapon on which learned Special P.P. submits that even presuming that the assault was committed by hard and blunt substance but then also Pintu Kumar is alleged to have assaulted a woman.

6. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the appellant no. 2, namely, Pintu Kumar in connection with the aforesaid case. Hence, his prayer for anticipatory bail is rejected.

7. Considering the submissions made by the learned counsel appearing on behalf of the other appellants, let the appellants no. 1 and 3 to 5, above-named, in the event of their 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) each 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 partly set aside
and this appeal stands allowed.

(Satyavrat Verma, J)

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