

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4589 of 2024

Arising Out of PS. Case No.-76 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

1. Munna Jha @ Mannu Kumar Jha @ Mannu Jha Son of Batakun Jha @ Jagdish Jha Village- Korthu, Ps- Ghanshayampur, Dist- Darbhanga
2. Ram Kumar Jha @ Dugal Kumar Jha Son Of Indrakant Jha Village- Korthu, Ps- Ghanshayampur, Dist- Darbhanga
3. Bambam Kumar Jha son of Sitamram Jha Village- Korthu, Ps- Ghanshayampur, Dist- Darbhanga
4. Rahul Kumar Jha son of Lothai Jha @ Vivekanand Jha Village- Korthu, Ps- Ghanshayampur, Dist- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Kumar Paswan Son of Khudhu Paswan Village- Korthu, Ps- Ghanshayampur, Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sameer Ranjan
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 23-02-2026 1. A jointness affidavit, by way of I. A. No. 01 of 2026, has been filed on behalf of the appellants stating therein that the notices issued upon respondent no. 2 has been received by his brother and both of them are living in jointness at the same residential address and also enjoying their food in the same mess.
2. Accordingly, the notice issued upon respondent no. 2 is treated to have been validly served.
3. I. A. No. 01 of 2026 is allowed.



4. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
5. An order, dated 05.08.2024 passed by learned Exclusive Special Judge, SC/ST, Darbhanga, in A.B.P. No. 26 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Ghanshyam Police Station Case No. 76 of 2021, registered for the offences punishable under Sections 341/323/324/504/308/34 of the Indian Penal Code and Sections 3 (i) (r)/3 (i) (s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.
6. The prosecution case, as per the First Information Report, is that on 13.04.2021, at about 06:30 PM, the informant had gone to purchase vegetables where the appellants, along with other co-accused persons, surrounded him and took him to some other place on a motorcycle, where they assaulted the informant with fists and during the assault, co-accused Lal Babu Jha abused in the caste name of the informant and assaulted him on his head with tangari,



causing injury. Upon noise being raised by the informant, other persons arrived and got the informant freed from the clutches of the appellants and other accused persons.

7. Learned Counsel appearing on behalf of the appellants submits that both, the appellants and the informant, are co-villagers and there was some dispute between them. The allegation of abuse in the caste name and assault is not upon the appellants, but the same is specifically against co-accused Lal Babu Jha. The appellants were given the benefits of Section 41(1) of the Code of Criminal Procedure, 1973 during the course of investigation, but charge sheet has been submitted and cognizance has been taken.
8. No one appears on behalf of the Opposite Party No. 2.
9. Learned Special Additional Public Prosecutor opposed the prayer for bail and submits that the appellants are named in the First Information Report and cognizance has been taken against them.
10. Having heard learned Counsel for the parties concerned and taking into consideration the fact that there is no specific allegation of assault against the appellants, calling the informant by his caste name is upon co-



accused Lal Babu Jha and the informant has sustained simple injury, I am inclined to grant anticipatory bail to the appellants.

- 11. Accordingly, this appeal is allowed and the order, dated 05.08.2024, passed in A.B.P. No. 26 of 2024, by learned Exclusive Special Judge, SC/ST, Darbhanga, is set aside.
- 12. Let the appellants, above named, be released on bail on furnishing bail bonds 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, Darbhanga, in connection with Ghanshyampur Police Station Case No. 76 of 2021, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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