

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3878 of 2025

Arising Out of PS. Case No.-128 Year-2024 Thana- SC/ST District- Samastipur

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1. Abdul Mannan Son of Late Md. Usman Resident of Mohalla - Seikhtoli ward no. 24 P.S. - Samastipur Town Dist. - Samastipur
 2. Abdul Hannan Son of Late Usman Resident of Mohalla - Seikhtoli ward no. 24 P.S. - Samastipur Town Dist. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Tarun Kumar Paswan @ Mukesh Bharti son of Raghu Paswan Resident of Mohalla - Kadirabad Sabji Mandi Lal Bagh, Ward no. 4, Maniyarpur, Ward no. 5, Ps- Lalit Narayan Mithila University, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dilip Kumar Roy
For the Respondent/s	:	Mr. Binay Krishna- Spl. P.P.
		Mr. Sitanshu Shekhar Singh
		Mr. Vidyapati

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-03-2026 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 22.07.2025 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Samastipur SC/ST P. S. Case No.128 of 2024, instituted for the offences under Sections 115(2),126(2),318(4),316(2),352,351(2),3(5) of the B.N.S. and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for



grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 19.11.2024 in between 2-3 P.M. he went to the shop of the appellants for demanding his money back amounting to Rs. Eight Lacs, out of which Rs. Three Lacs was paid by two different cheques as detailed in the FIR and Rs. Five lacs in cash, but then, appellants refused to repay the money back and abused him by taking caste name and even assaulted by fists.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that a civil dispute has been given a criminal colour. It is next submitted that though informant alleges that he paid Rs.3 Lacs by two different cheques, but then, neither cheque number nor the name of the Bank is recorded in the FIR and as far as allegation of giving cash is alleged, the same is not substantiated by way of any documentary evidence. It is further submitted that even presuming what has been alleged is true without admitting with regard to abuse and assault, then the informant himself alleges



that he had gone to the shop of the appellant where he was abused and was assaulted by fists, but then, the FIR does not even remotely suggest that at the time of occurrence any one was present at the place of occurrence and the shop belonged to the appellants. It is further submitted that the instant FIR has been instituted only with a view to coerce the appellants to part with the fanciful demand of the informant. It is also submitted that appellants will not abscond rather will cooperate in the investigation to prove their innocence.

5. The learned Special P.P. as well as the learned counsel appearing on behalf of the informant opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that cheque number and name of the bank is not disclosed in the FIR nor the amount of five lacs which is alleged to have been paid in cash is substantiated by any documentary evidence in the FIR.

6. Regard being had to the aforesaid submissions, the order dated 22.07.2025 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on



their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Samastipur SC/ST P. S. Case No.128 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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