

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4031 of 2025

Arising Out of PS. Case No.-54 Year-2025 Thana- SC/ST District- East Champaran

1. Manoj Singh Son of Mungalal Singh @ Mugalal Singh Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran
2. Raushan Patel son of Sant Patel Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran
3. Bhagirath Singh son of Ramdev Singh Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran
4. Moharlal Singh Son of Late Thakur Singh Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran
5. Kanhaiya Singh Son of Rajdev Singh Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran
6. Sant Singh Son of Rajdev Singh Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran
7. Radheshyam Singh @ Radheshyam Patel Son of Mohanlal singh Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran
8. Mungalal Singh Son of Late Thakur Singh Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakhan Ram son of Late Sukdev Ram Resident of village - Srikhandi (Shrikhindi), P.S- Sugauli, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Nishant Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-07-2026 Heard learned counsel appearing for the appellants,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the

informant/Respondent No. 2.



2. This appeal has been filed for setting aside order dated 11.08.2025 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 74, 303(2), 351(2), 352 and 3(5) of the B.N.S. and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on 01.06.2025, all these accused-appellants, came to the field of informant and assaulted informant and his family members, abused them by caste name and snatched cash and ornaments.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, on account of petty dispute, free fight between the parties in which both sides sustained injuries. There is case and counter-case. Allegation of assault is general and omnibus and no specific accusation of overt act has been levelled against these appellants. Rest of the allegations are ornamental in order to make the case grave. The present F.I.R. has been lodged after inordinate delay of six days and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. It is further



submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, delay in lodging of the F.I.R., case and counter-case between the parties and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 11.08.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with A.B.P. No. 3365 of 2025 arising out of Motihari S.C./S.T. P.S. Case No. 54 of 2025 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond 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 (POA) Act, East
Champaran at Motihari in connection with Motihari S.C./S.T.
P.S. Case No. 54 of 2025.

(Prabhat Kumar Singh, J)

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