

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4998 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- TISIAUTA District- Vaishali

-
1. GOPAL KUMAR Son of Ranjeet Kumar R/o vill - Shahpur, P.S. - Tisiauta, Dist. - Vaishali
 2. Amarjeet Ray @ Amarjeet Kumar Son of Naresh Ray R/o vill - Shahpur, P.S. - Tisiauta, Dist. - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinki Paswan Wife of Raushan Kumar Chaudhary R/o vill - Shahpur, P.s. - Tisiauta, Dist.- Vaishali

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-03-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 23.09.2023 passed in a case registered for the offence punishable under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



whereby the prayer for anticipatory bail of these appellants has been rejected.

4. As per prosecution case, on 06.06.2023 at about 11 AM, when husband of informant was coming back from brick kiln on his motorcycle with ten thousand rupees cash and reached near the house of one Subandh Chaudhary, in the meantime, all the F.I.R. named accused persons, including these appellants, armed with deadly weapons, started abusing husband of informant and on the orders of co-accused Sitaram Rai, Appellant No. 1 and co-accused Aman Kumar snatched motorcycle and cash from husband of informant, co-accused Sitaram Rai tore the clothes of the informant and Appellant No. 2 snatched gold *Mangalsutra* of the informant. It is further alleged that the accused persons assaulted informant and her husband and demanded *Rangdari* of Rs. 10,000/-

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. The present case has been lodged by the informant/Respondent No. 2 only at the instigation of her husband in order to save one Avinash Chaudhary, who happens to be his relative, from Tisiauta P.S. Case No. 52 of 2023. As a matter of fact, Avinash Chaudhary used to misbehave with one



Deepmala, daughter of Ravindra Ray, for which a *Panchayati* was convened in which all the named accused persons, including these appellants, were witnesses and thereafter, Tisiauta P.S. Case No. 52 of 2023 was lodged against Avinash Chaudhary and only with a view to save his skin from the aforesaid case, this false and concocted case has been lodged. Moreover, the present case has been lodged after inordinate delay of four days and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. It is further submitted that as per prosecution case, all the F.I.R. named accused persons, including these appellants, abused husband of informant/Respondent No. 2, however, husband of informant/Respondent No. 2 belongs to general caste 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.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the facts and circumstances of the case, this appeal is allowed and the impugned order dated 23.09.2023 passed by the learned Exclusive Special Court, SC/ST Act, Vaishali, Hajipur in connection with Tisiauta P.S.



Case No. 53 of 2023 is hereby set aside with respect to these appellants only.

8. 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 Court, SC/ST Act, Hajipur, Vaishali in connection with Tisiauta P.S. Case No. 53 of 2023.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

