

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5287 of 2024

Arising Out of PS. Case No.-821 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Shankar Prasad Son of Kapildev Prasad Resident of Village - Laxman Tola, P.S. - Muffasil, District - East Champaran
 2. Vinod Prasad Son of Late Rambabu Prasad Resident of Village - Laxman Tola, P.S. - Muffasil, District - East Champaran
 3. Vivek Kumar @ Vivek Kumar Kushwaha Son of Shankar Prasad Resident of Village - Laxman Tola, P.S. - Muffasil, District - East Champaran
 4. Abhishek Kumar Son of Shankar Prasad Resident of Village - Laxman Tola, P.S. - Muffasil, District - East Champaran
 5. Punit Prasad Son of Late Sita Ram Prasad Resident of Village - Laxman Tola, P.S. - Muffasil, District - East Champaran
 6. Arjun Kumar Son of Late Birendra Prasad Resident of Village - Laxman Tola, P.S. - Muffasil, District - East Champaran
 7. Bhola Prasad Son of Late Ram Jiwan Prasad Resident of Village - Laxman Tola, P.S. - Muffasil, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Das Son of Ramlochan Das Resident of Village - Laxman Tola, P.S. - Muffasil, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 03-04-2026

1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Mr. Sadanand Paswan and the learned counsel appearing on behalf of the informant, Mr. Manjeet Kumar Mishra.

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 08.01.2024 in A.B.P. No. 5817 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in connection with Muffasil P.S. Case No. 821 of 2023 registered for the offences punishable under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 22.11.2023 at about 06:10 PM he was going to his shop on his motorcycle and when he reached at *Laxman Tola Math* when he was intercepted by the named accused persons including the appellants and the accused persons abused him by taking his caste name and further assaulted him by shoe and spat on him and even tore his cloths while Shankar snatched his gold chain worth Rs. 85,000/- and Vinod took out Rs. 2,000/- from his pocket and the accused fled threatening him.

4. Learned counsel for the appellants next submits that the 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



allegation of abuse is general and omnibus in nature. It is next submitted that it does not appear probable that all accused persons including seven appellants herein in one go would have abused the informant by taking caste name. It is also submitted that as far as allegation of snatching gold chain and taking out Rs. 2,000/- is alleged, the same is ornamental in nature. It is next submitted that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

5. Learned Special P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 08.01.2024 in A.B.P. No. 5817 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in connection with Muffasil P.S. Case No. 821 of 2023, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, 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/successor court in connection with Muffasil



P.S. Case No. 821 of 2023 subject to the conditions as laid down
under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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