

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5373 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- BHAGWANPUR HAT District- Siwan

1. Manju Devi W/o- Late Vijay Singh R/o Village- Hasanpura, P.S- Bhagwanpur Hat, District- Siwan
2. Rohit Kumar @ Rohit Singh S/o- Late Manoj Singh R/o Village- Hasanpura, P.S - Bhagwanpur Hat, District- Siwan
3. Abhishek Kumar @ Nilu S/o-Vijay Singh R/o Village- Hasanpura, P.S- Bhagwanpur Hat, District- Siwan
4. Brij Kishor Ray S/o- Late Lalbahadur Ray R/o Village- Hasanpura, P.S- Bhagwanpur Hat, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Bindu Devi Wife of Dwarika Manjhi R/o Village- Mahna, P.S- Bhagwanpur Hat, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-04-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

2. Learned counsel appearing on behalf of the appellants, at the outset, seeks permission to withdraw the appeal with respect to appellant no. 4, namely, Brij Kishor Ray, who left for heavenly abode, during pendency of the same.

3. Permission is accorded.

4. Accordingly, the appeal with respect to appellant no. 4 is dismissed as withdrawn.



5. 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 04.10.2024 in A.B.P. No. 2235 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Siwan in connection with Bhagwanpur Hat P.S. Case No. 49 of 2023 registered under Sections 188, 341, 323, 354, 379, 504 and 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

6. Learned counsel appearing on behalf of the appellants submits that appellants no. 1, 2 and 3 are persons with clean antecedent and appellant no. 1 is a woman and the informant alleges that on 22.01.2023, at 01:30 p.m., she was irrigating her field and asked Rohit (appellant no. 2) not to take the pipe on which Rohit abused the informant by taking caste name and thereafter named accused persons came and Brij Kishor Ray abused and said to cut the pipe and wheat on which Abhishek (appellant no. 3) dashed her on the ground and Manju (appellant no. 1) assaulted by fists and legs and Brij Kishor Ray snatched her Mangalsutra.

7. Learned counsel appearing on behalf of the



appellants no. 1, 2 and 3 submits that appellants no. 1, 2 and 3 have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute with regard to a pipe, the occurrence is alleged to have taken place. It is next submitted that even allegation of abuse is ornamental in nature. It is also submitted that on account of dispute relating to irrigating the field by pipe, an altercation took place and the informant instituted the instant FIR with exaggerated allegation. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant does not even remotely suggest that the occurrence was witnessed by any independent witness. It is next submitted that the date of occurrence is 22.01.2023 and the FIR came to be instituted on 04.02.2023, i.e., after a delay of more than 13 days of the occurrence which also casts as aspersion on the case of the prosecution.

8. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellants no. 1, 2 and 3 but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants no. 1, 2



and 3 that the FIR was instituted after a delay of more than 13 days.

9. Considering the submissions made by the learned counsel appearing on behalf of the appellants no. 1, 2 and 3, let the appellants no. 1, 2 and 3, above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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