

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5594 of 2023

Arising Out of PS. Case No.-415 Year-2023 Thana- BANMANKHI District- Purnia

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1. Jitan Sah, S/O Late Buchan Sah Resident Of Jiwachpur, P.S- Banmankhi, District-Purnea
 2. Laddu Sah, S/O Jitan Sah Resident Of Jiwachpur, P.S- Banmankhi, District-Purnea

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dilip Kumar Rishi S/O Nageshwar Rishi Resident Of Harpatti, P.S- Banmankhi, District-Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar Agrawal
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-03-2026 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 23.11.2023 passed by the learned Special, SC & ST Act, Judge, Purnea in connection with ABP No.129 of 2023, CIS No.129 of 2023 arising out of Banmankhi P. S. Case No.415 of 2023, instituted for the offences under Sections 341, 323, 308, 379, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r) (s),3(1)(v) 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 the case was taken up on 10.01.2024 and the learned counsel appearing on behalf of the Special P.P. was directed to inform the informant about the pendency of the instant appeal.

4. The learned Special P.P submits that the information has been given to the informant about pendency of the appeal, but then, no one appears on behalf of the respondent no.2.

5. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 14.09.2023 at 5.00 P.M. had gone to the mobile shop of Jitan for transferring money and gave Rs.500/- to Jitan for transferring the money, but Jitan demanded commission in access on which informant objected, when Jitan, Laddu, Sonu and Vikash assaulted by rod causing injury on head and also snatched his chain.

6. The learned counsel for the appellants submits that appellants 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 the informant does not allege that he was abused by taking caste



name though there is allegation of assault, but then, the same is not specific rather allegation of assault is general and omnibus in nature.

7. The learned Special P.P. opposes the anticipatory bail application.

8. Regard being had to the aforesaid submissions, the order dated 23.11.2023 is set-aside.

9. The appeal stands allowed.

10. 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, SC & ST Act, Judge, Purnea in connection with ABP No.129 of 2023, CIS No.129 of 2023 arising out of Banmankhi P. S. Case No.415 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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