

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4849 of 2025

Arising Out of PS. Case No.-447 Year-2025 Thana- BASANTPUR District- Siwan

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1. Chhedi Rai @ Chedi Ray Son of LT Jodha Ray @ Late Jodha Rai, Resident of village- Brit Bagahi, P.S.- Basantpur, Distt.- Siwan, Bihar.
 2. Ranjit Rai @ Ranjit Ray Son of LT Jodha Ray @ Late Jodha Rai, Resident of village- Brit Bagahi, P.S.- Basantpur, Distt.- Siwan, Bihar
 3. Robin Kumar Rai @ Rubin Kumar @ Robin Kumar Son of Chhedi Rai @ Chedi Ray, Resident of village- Brit Bagahi, P.S.- Basantpur, Distt.- Siwan, Bihar
 4. Chhathi Kumar @ Chathi Kumar @ Chhathu Kumar Rai @ Chhathi Rai Son of Chhedi Rai @ Chedi Ray Resident of village- Brit Bagahi, P.S.- Basantpur, Distt.- Siwan, Bihar
 5. Pappu Rai @ Papu Ray Son of Ranjit Rai @ Ranjit Ray, Resident of village- Brit Bagahi, P.S.- Basantpur, Distt.- Siwan, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Raghuwar Manjhi Son of Jyoti Manjhi Resident of Sani Bagahi, P.S.- Basantpur, Distt- Siwan, Bihar. Mob-7635031912.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhijeet Abhigyan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 08-04-2026 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 17.10.2025 passed by the learned Additional Sessions Judge-1-cum-Special Court, Siwan in connection with ABP No.2644 of 2025 arising out of Basantpur P. S. Case No.447 of 2025, instituted for the offences under Sections 126(2), 115(2), 303(2),



352, 351(2), 3(5) of the B.N.S. and Section 3(1)(r)(s) 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 Special P. P. submits that in compliance of the order dated 23.02.2026, the Superintendent of Police, Siwan was informed about the pendency of the instant appeal and was also requested to inform the informant, so that he appears in the appeal on the date fixed. It is next submitted that informant despite receiving notice chooses not to appear and contest.

4. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 17.07.2025 at about 2.00 P.M., all the accused persons including the appellants committed theft of his tree from his field and when his son objected, all the accused persons abused him and assaulted him by lathi and danda and Ranjit assaulted his son by khanti causing injury on his back and when informant tried to save him, the accused persons abused him by taking caste name and also assaulted by lathi, danda and feast and Chhedi and Ranjit punched him on his back and stomach.



5. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is further submitted that there is a land dispute in between the informant and the appellants' side. It is also submitted that the date of occurrence is 17.07.2025 and the FIR came to be instituted on 26.07.2025 i.e. after a delay of more than nine days which also casts an aspersion on the case of the prosecution. It is next submitted that though it is alleged that Ranjit assaulted the son of the informant by khanti causing injury, but then, from perusal of the injury report, it would manifest that the same records that no external injuries were found on the body of the son of the informant which also belies the allegation. It is further submitted that allegation of assault and abuse is general and omnibus in nature and this perhaps explains why the informant despite receiving notice chooses not to appear and contest.

6. The learned Special P.P. opposes the appeal, but then, is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that there is a



delay of nine days in instituting the FIR and the injury report of the son of the informant records that there is no external injury, but then, the injury has been opined to be simple.

7. Regard being had to the aforesaid submissions, the order dated 17.10.2025 is set-aside.

8. The appeal stands allowed.

9. 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 Additional Sessions Judge-1-cum-Special Court, Siwan in connection with ABP No.2644 of 2025 arising out of Basantpur P. S. Case No.447 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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