

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.381 of 2022**

Arising Out of PS. Case No.-70 Year-2021 Thana- AMDABAD District- Katihar

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1. Bhikhan Pal Son of Late Upin Pal Resident of Village- Bairia, P.S.- Amdabad, District- Katihar.
  2. Kargil Pal Son of Dhiren Pal Resident of Village- Bairia, P.S.- Amdabad, District- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nawal Kishore Rajak Son of Late Jagdish Rajak Resident of Village- Bairiya, Ward No-07, P.S.-Amdabad, District-Katihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Vinay Ranjan  
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      01-09-2022                      Heard Mr. Vinay Ranjan, learned counsel for the appellants as well as Mr. Arvind Kumar, learned counsel for the respondent no. 2 and learned APP for the State.

The present appeal under Section 14(a) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities ) Act, ( hereinafter referred to as the SC/ST Act) preferred against the order dated 02.07.2021 passed by the learned 1st Additional Sessions Judge cum Special Judge SC/ST Katihar in connection with Amdabad P.S.Case No. 70 of 2021 instituted for the offence under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code and section



3(i)(s)(r)/ 3 (2) of the SC/ST Act whereby prayer for bail of the appellant has been rejected.

As per the prosecution case, it is alleged that on 01.04.2021 while the informant/ respondent no. 2 was walking in the meantime, accused Dhiren Pal started abusing him by taking his caste name. It is further alleged that on protest all the accused persons brutally assaulted the informant and his family members. It is specifically alleged that appellant no. 1 snatched a silver chain from the neck of informant so far as appellant no. 2 is concerned, he inflicted a knife blow on the back of Goli Rajak.

Learned counsel appearing on behalf of the appellants submits that admittedly, there is previous dispute due to which a free fight has been taken place between the members of both the sides. It is submitted that there is counter version of the present occurrence i.e. Amdabad P.S. Case No. 71 of 2021 instituted by co-accused Dhiren Pal, the father of appellant no. 2. He further submits that so far as the allegation against the appellants are concerned, there is exaggeration of prosecution story in as much as during the course of investigation, no injury has been found over the body of Goli Rajak. He further submits that specifically overt act has



attributed against other co-accused. It is next submitted that appellants have no criminal antecedent except one Amdabad P.S. Case No. 168 of 2014 which was registered by the members of the informant side.

On the other hand, learned counsel for the State vehemently opposed the prayer of the appellants and submits that from the FIR, it is apparent that the appellants were aggressor and they in furtherance of common intention brutally assaulted the informant and his family members wherein two of the persons have received grievous injuries. It is next submitted that prior to the present occurrence, the appellants and other co-accused persons were also assaulted by the members of the informant and for which a case was also lodged.

Considering the submissions made on behalf of the appellant and taking into consideration the nature of allegation and also the fact that no injury has been found over the body of Goli Rajak, apart from the period of custody of the appellants, let the above named appellants, 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 the learned 1<sup>st</sup> Additional Sessions Judge-cum- Special Judge SC/ST Katihar in connection with Amdabad P.S. Case No. 70 of



2021.

Accordingly, the impugned order dated 02.07.2021 is  
hereby, set aside and the present appeal stands, allowed.

**(Harish Kumar, J)**

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