

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2444 of 2022**

Arising Out of PS. Case No.-252 Year-2022 Thana- BARACHATTI District- Gaya

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1. AMAN KUMAR Son of Kedar Prasad R/o Village - Mahkampur, P.S.- Barachatti, District - Gaya.
  2. Rahul Kumar @ Rahul Verma Son of Kedar Prasad R/o Village - Mahkampur, P.S.- Barachatti, District - Gaya.
  3. Abhishek Kumar @ Abhishek Singh Son of Rabindra Singh R/o Village - Kharne, P.S.- Barachatti, District - Gaya.
  4. Yogendra Kumar Verma @ Yogendra Verma Son of Ratan Mahto R/o Village - Mahkampur, P.S.- Barachatti, District - Gaya.
  5. Srikant Kumar Son of Late Ganesh Mahto R/o Village - Mahkampur, P.S.- Barachatti, District - Gaya.
  6. Sikandar Kumar @ Sikandar Prasad Son of Late Ganesh Mahto R/o Village - Mahkampur, P.S.- Barachatti, District - Gaya.
  7. Sunil Kumar Verma @ Sunil Kumar Son of Shivanandan Prasad R/o Village - Mahkampur, P.S.- Barachatti, District – Gaya. ... .. Appellants

Versus

1. The State of Bihar
2. Kesari Devi Wife of Suresh Kumar Resident of Village - Mahkampur, P.S.- Barachatti, District – Gaya ... .. Respondents

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**Appearance :**

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| For the Appellant/s  | : | Mr.Awadhesh Kumar Mishra, Advocate         |
| For the Respondent/s | : | Mr.Sadanand Paswan, Spl. Public Prosecutor |
| for respondent no.2  |   | Mr. K N Jamuar, Advocate                   |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      23-11-2022                      Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against order dated 31.5.2022 passed in a case registered for the offence punishable under Sections 307/34 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s)(w)(i)(ii)(va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, all the 20 FIR named accused persons including these appellants and 4/5 unknown persons went to the house of respondent no.2, abused her by caste name. Accused persons assaulted with lathi as a result of



which some of the persons from the prosecution side sustained injuries.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. Present case is counter blast of Barachatti Police Station Case No. 253 of 2022 lodged against the informant of the instant case. He further submits that the occurrence took place in the house of respondent no.2, which is not a public view, as such, no offence under the SC/ST Act is made out against the appellants. There is a case and counter case in which both sides sustained injuries.

Learned counsel for the state as well as respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 31.5.2022 is set aside with respect to the appellants.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Act, Gaya in Barachatti Police Station Case No. 252 of 2022.

**(Prabhat Kumar Singh, J)**

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