

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3646 of 2021

Arising Out of PS. Case No.-146 Year-2018 Thana- KHAJAU LI District- Madhubani

1. KUSH KUMAR SINGH @ KUSH SINGH Son of Shrinath Nagmani @ Shrinath Nagmani Singh Resident of Village - Datuar, P.S.- Khajauli, District - Madhubani
2. Rajnish Kumar @ Ghanti Singh Son of Krishna Mohan Singh @ Mohan Singh Resident of Village - Datuar, P.S.- Khajauli, District - Madhubani
3. Bhim Kumar Singh @ Bhim Singh Son of Naval Kishor Singh @ Naval Singh Resident of Village - Datuar, P.S.- Khajauli, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Manish Kumar Paswan son of Bishundeo paswan resident of village- Datuar, P.S.- Khajauli, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-09-2022 Heard learned counsel for the appellants and learned Special P.P. for the State. Despite valid service of notice, nobody appears on behalf of respondent no. 2.

The present appeal has been filed against order dated 02.07.2021 passed by learned A.D.J.-I, Madhubani in Khajauli P.S. Case No. 146 of 2018 / G.R. No. 126 of 2018 registered for the offence punishable under Section 307 & other allied sections of the I.P.C., Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(Va) of the Scheduled Castes and the Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants was rejected.



As per the allegation made in the F.I.R., while the informant alongwith his sister, mother and friends of his sister reached at Bishara Asthan tmeple at Datuar to worship, co-accused Shakti Singh with his 10-15 associates came there and started taking photographs of friends of informant's sister and on protest, co-accused Shakti Singh abused informant by caste name and assaulted him with fists and slaps. It is further alleged that thereafter, 25 F.I.R. named accused including these appellants, armed with weapons, came near the house of informant and assaulted Vijay Mandal, co-villager of informant and also made indiscriminate firing in air.

It is submitted on behalf of appellants that allegation of assault is general and omnibus. Specific allegation of assault is against co-accused Shakti Singh. There is no injury report on the record. The injured Vijay Mandal, who was assaulted by accused persons, does not belong to SC/ST category and as such, no case under the SC/ST Act is made out. The appellants have got clean antecedent.

However, learned Special P.P. for the State vehemently opposed the appeal.

Considering the general and omnibus allegation and the fact that victim (injured) does not belong to SC/ST category



coupled with the fact that appellants have got clean antecedent, in the event of their arrest or surrender within a period of six weeks from today, let the above-named appellants be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-I, Madhubani in connection with Khajauli P.S. Case No. 146 of 2018 / G.R. No. 126 of 2018.

Accordingly, the impugned order dated 02.07.2021, so far as these appellants are concerned, is set aside and appeal is allowed.

(Prabhat Kumar Singh, J)

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