

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4862 of 2021

Arising Out of PS. Case No.-181 Year-2021 Thana- PATEPUR District- Vaishali

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1. RATNESH KUMAR @ CHOTU SON OF ANIL SINGH R/O VILLAGE- KHESARHI, P.S- PATEPUR, DIST- VAISHALI
 2. RAUSHAN KUMAR SON OF ANIL SINGH R/O VILLAGE- KHESARHI, P.S- PATEPUR, DIST- VAISHALI
 3. ANIL SINGH @ ANIL KUMAR SINGH SON OF LATE KAPILDEO SINGH R/O VILLAGE- KHESARHI, P.S- PATEPUR, DIST- VAISHALI
 4. NILAM DEVI W/O ANIL SINGH R/O VILLAGE- KHESARHI, P.S- PATEPUR, DIST- VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar
2. BALVIR DAS SON OF NAGESHWAR DAS R/O VILLAGE- KHESARHI, P.S- PATEPUR, DIST- VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amresh Kumar Sinha
For the Respondent/s	:	Mrs.Usha Kumari 1
		Mrs.Bela Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 07-12-2022 At the outset, learned counsel for the appellants seeks permission to withdraw this appeal so far as appellant no. 3 Anil Singh is concerned.

Prayer is allowed. The appeal stands dismissed as withdrawn in respect of appellant no. 3.

Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

The present appeal has been filed against order dated 03.11.2021 passed by learned A.D.J.-I-cum-Special Judge,



Vaishali, Hajipur in Patepur P.S. Case No. 181 of 2021 registered for the offence punishable under Sections 341, 323, 504, 506, 307, 379/34 of the Indian Penal Code and Section 3(r) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per F.I.R., all the appellants including co-accused Anil Singh abused the informant with his caste name and thereafter, assaulted him by fists and slaps.

Learned counsel for the appellant submits that specific accusation of assault by farsa is against co-accused Anil Singh. So far as these appellants are concerned, there is general and omnibus allegation of assault. As per F.I.R. itself, the alleged occurrence took place inside the house, not in the public view, and as such, it does not come under the purview of SC/ST Act. Appellants have got clean antecedent.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 03.11.2021, so far as appellants no. 1, 2, & 4 are concerned, is, hereby, set aside and appeal is disposed of.

Accordingly, in the event of arrest or surrender within



a period of six weeks from today, let the above-named appellants no. 1, 2 and 4 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 learned A.D.J.-I-cum-Special Judge, Vaishali, Hajipur in connection with Patepur P.S. Case No. 181 of 2021.

(Prabhat Kumar Singh, J)

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