

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1007 of 2023**

Arising Out of PS. Case No.-115 Year-2022 Thana- MALI District- Aurangabad

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1. BHAWANI SINGH Son of Nanda Singh Resident of Village- Mirjapur, P.S.- Mali, District- Aurangabad (Bihar)
 2. ASHUTOSH KUMAR @ AKASH SINGH Son of Sachin Singh @ Sachin Kumar Singh Resident of Village- Mirjapur, P.S.- Mali, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Navin Kumar Paswan @ Karan Passwan Son of Umesh Paswan R/V- Telhara, P.S.- Amba, District- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Leelawati Kumari, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 12-07-2023 Despite valid service of notice, no one appears on behalf of the informant.

Heard learned counsel for the appellants and the State.

The present appeal is directed against the order dated 19.01.2023, passed in a case registered for the offence punishable under Sections 147, 341, 323, 427, 504, 506, 34 of the Indian Penal Code read with Sections 3 (1) (r), 3(1) (s), 3 (2)



(va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

It is alleged that the accused persons along with these appellants assaulted and abused the informant by caste name.

It is submitted on behalf of the appellants that though there is allegation of assault but there is no injury report on record. It is not the case of the informant that at the time of incident any member of public was present, and as such, no offence under SC/ST Act is made out against these appellants. Appellants have got clean antecedent.

Learned counsel for the State 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 19.01.2023 is set aside.

Accordingly, in the event of arrest or surrender the appellants, above named, before the court below within eight 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 the learned 1st Additional District and Sessions Judge-cum-Special



Judge (SC/ST), Aurangabad in connection with Mali P.S Case
No. 115 of 2022, subject to the condition as laid down under
Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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