

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1826 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- BEERPUR District- Begusarai

1. Vijay Singh @ Vijay Kumar Singh Son of Nitya Nand Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.
2. Ajay Singh @ Ajay Kumar Son of Nitya Nand Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.
3. Tejash Kumar Son of Vijay Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.
4. Ujjawal Kumar Son of Vijay Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.
5. Kashayap Kumar Son of Ajay Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.
6. Kamal Kumar @ Kunal Kumar Son of Ajay Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.
7. Anmol Kumar Son of Bhuneshwar Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.
8. Raj Kamal Kumar Son of Anjani Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.
9. Neel Kamal Kumar Son of Anjani Singh Resident of Village - Sikrahula, P.S.- Birpur, Dist.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Paswan Son of Late Vishwanath Paswan Resident of Village - Rajapur Sikarhula, Ward No.- 16, P.S.- Virpur, Dist.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.N.K.Agrawal, Sr.Advocate
		Mr.Vijay Anand, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The present memo of appeal has been filed on
behalf of the appellants for grant of anticipatory bail against the



order dated 28.03.2023 passed by learned Exclusive Special Judge SC/ST (POA) Act, Begusarai in connection with Birpur P.S. Case No. 18 of 2023 under Sections 147, 341, 323, 307, 354, 379 of the Indian Penal Code and section 3(i)(r)(w)/3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

3. As per the prosecution case, altogether 40 persons including appellants arrived at the door of informant with danda and pistol and started abusing the informant by caste name. It is further alleged that the accused persons assaulted the informant and family members.

4. It is submitted on behalf of the appellants that due to dispute over the passage an altercation took place between the parties. Injuries sustained by the injured are simple in nature. It is further submitted that it is not the case of informant that any member of public was present at the place of occurrence and as such, no case under SC/ST Act is made out. Appellants have got clean antecedent.

5. Counsel for informant however vehemently opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is



allowed. The impugned order dated 28.03.2023 passed by learned Exclusive Special Judge SC/ST (POA) Act, Begusarai is set aside.

7. Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, 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 Exclusive Special Judge SC/ST (POA) Act, Begusarai in connection with Birpur P.S. Case No. 18 of 2023.

(Prabhat Kumar Singh, J)

vinita/-

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