

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1965 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- VISHNUPAD District- Gaya

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1. SUNNI KUMAR @ SUNNY KUMAR Son of Nanhe Rout @ Anil Kumar Resident of Mohalla - Khawa Gali, Chand Choura, P.S.- Vishnupad, District - Gaya.
 2. Saurav Kumar @ Saurav Saini Son of Ajay Malakar @ Ajay Kumar Resident of Mohalla - Chitragupt Colony, Near G.P. Palace, Cholera Hospital, Chand Choura, P.S.- Vishnupad, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivam Kumar Son of Dilip Kumar Resident of Mohalla - Mangla Gouri, P.S.- Vishnupad, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kr. Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 20.03.2023 , passed in a case registered for the offence punishable under sections 341, 323, 308, 379, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, all the accused persons along with these appellants is said to have abused by caste name and assaulted the informant with butt of



revolver.

4. It is submitted that allegation of assault is general and omnibus against these appellants and no specific overt act has been alleged against them. There is no injury report on record. F.I.R. does not reveal that any member of public was present on the place of occurrence, as such, no case under SC/ST Act is made out. F.I.R has been lodged after the lapse of three days for which there is no plausible explanation . Appellants claim clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight 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, Gaya, in connection with Vishnupad Police Station Case No. 18 of 2023 .

(Prabhat Kumar Singh, J)

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