

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2552 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- SC/ST District- Vaishali

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1. Surendra Pal Son Of Late Ghamandi Pal Resident Of Village- Mustafapur, Ps- Bidupur, Distt- Vaishali At Hajipur , Bihar
 2. Mukesh Pal @ Mukesh Kumar Pal S/o Ganga Pal R/o village- Mustafapur, P.S.- Bidupur, District- Vaishali at Hajipur (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Ratnesh Paswan Son Of Bhola Paswan Resident Of Village- Mustafapur, Ps- Bidupur, Distt- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr .Vinay Kumar Mishra, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-08-2023 Heard learned counsel appearing on behalf of appellants and Spl. Public Prosecutor.

2. This criminal appeal has been filed against the order dated 10.05.2023 passed by learned Special Judge SC/ST, Vaishali at Hajipur in connection with Vaishali SC/ST P.S. Case No. 40 of 2022, registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 447, 384, 385, 504 and 506 of the Indian Penal Code and Sections 3 (i) (r)/3 (i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. According to F.I.R., on 27.10.2022 at about 10:00 AM, the informant went to the house of one Ganga Pal and demanded the due amount on which Ganga Pal abused him and thereafter, all the accused persons armed with deadly weapons assaulted the informant on his head by means of sword.

4. It is submitted on behalf of the appellants that allegation of assault is general and omnibus. No specific overt act has been alleged against the appellants. Case and counter case. Both sides sustained injuries.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail and submits that there is specific allegation that these appellants along with other accused persons caused injuries to the informant and his brother and also abused the informant by caste name within public view.

6. Considering the gravity of accusation and facts and circumstances of the case, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

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