

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2448 of 2022**

Arising Out of PS. Case No.-428 Year-2021 Thana- PUPRI District- Sitamarhi

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1. CHAMAN KUMAR @ CHUMAN KUMAR Son of Binod Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  2. Abhishek Kumar Son of Brajesh Kumar Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  3. Pramod Rai Son of Gonaur Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  4. Rampravesh Rai Son of Govind Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  5. Sheet Basant Kumar @ Sheet Basant Son of Mahendra Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  6. Shivshankar Kumar Son of Mahendra Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  7. Dipak Kumar Son of Binod Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  8. Rohit Kumar Son of Laxman Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  9. Kaushal Kumar Rai Son of Laxaman Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  10. Shivnath Kumar Son of Mahendra Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  11. Jagmohan @ Jagmohan Rai Son of Govind Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  12. Pankaj Kumar @ Pankaj Sah Son of Dukha Sah Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  13. Rahul Kumar Son of Ram Pravesh Rai Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.
  14. Dharmnath Kumar @ Dharmveer Kumar Son of Ram Jaiswal Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajnandan Paswan Son of Baldeo Paswan Resident of Village - Awapur, P.s.- Pupri, Distt.- Sitamarhi.

... .. Respondent/s



**Appearance :**

For the Appellant/s : Mr. Alok Kumar Jha, Advocate  
For the Respondent/s : Mr. Binay Krishna, Addl. Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      05-07-2023                      Despite issuance of notice , nobody appeared on behalf of respondent No 2.

Heard learned counsel for the appellants and the State.

The present appeal is directed against the order dated 16.06.2022, passed in a case registered for the offence punishable under Sections 147, 149, 323, 504, 506 353, 341, 332, 427/34 of the Indian Penal Code read with Sections 3 (i) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, on the alleged date and time of occurrence informant was on duty and there was some dispute going on near bank of Baroda. When the informant went to pacify the matter all the F.I.R named accused persons including these petitioners abused and assaulted the informant with fists and slaps and also with stick. It is further alleged that when his son, daughter-in-law and his grandson Vicky Kumar came to rescue him, they were also assaulted by all the accused persons.

It is submitted that as per the F.I.R. dispute was going



on among some other persons and the informant reached there later. There is general and omnibus allegation against these appellants. It is further submitted that neither these appellants abused nor assaulted the informant and his family. Moreover, the injury report does not indicate even a single injury on the body. No member of public was present at the time of the incident, as such no case under SC/ST is made out. Petitioners claim clean antecedent.

Learned counsel for the state and respondent no.2 opposed 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 16.06.2022 is set aside.

Accordingly, in the event of arrest or surrender the appellant, 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 1<sup>st</sup> Addl. Sessions Judge cum-Spl. Judge (SC/ST Act) in A.B.P. No. 599 of 2022/ 43 of 2022, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal



Procedure.

**(Prabhat Kumar Singh, J)**

Kaushik/-

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