

Arising Out of PS. Case No.-104 Year-2021 Thana- BITHAN District- Samastipur

... .. Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP
For respondent No. 2 : Mr. Sadanand Roy, Advocate

6 26-09-2024 Heard learned counsel for the parties. Despite
valid service of notice nobody appears on behalf of respondent
No. 2.

2. This appeal has been filed for setting aside order dated 21.12.2021 passed in a case registered for the offence punishable under sections 341, 323 , 307, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r), 3(I)(d) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per prosecution case , on the alleged date and time of occurrence , when informant was feeding her cow , in



the meantime this petitioner along with other co-accused persons came there and abused her by caste name . It is further alleged that this petitioner assaulted on head of son of informant namely, Vikash Kumar with farsa due to which he sustained injury .

4. It is submitted on behalf this appellant that due to land dispute , a simple occurrence of maarpeet took place between both the parties in which both sides sustained injury . Case and counter case . Doctor has found the injury caused by this petitioner simple in nature . F.I.R., does not disclose that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Counsel for the respondents No. 2 as well as learned Special public prosecutor vehemently opposed the prayer for bail of these appellants.

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) with two sureties of the like amount



each to the satisfaction of the learned Special Judge, SC/St Act
Samastipur in connection with Bithan Police Station Case No.
104 of 2021 .

(Prabhat Kumar Singh, J)

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