

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.469 of 2024

Arising Out of PS. Case No.-587 Year-2023 Thana- BIDUPUR District- Vaishali

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1. Abdhesh Kumar SON Of LATE BHOLA SINGH RESIDENT OF VIL-
LAGE- KANCHANPUR, PO- BUDDUPUR, PS- BIDDUPUR, DISTT-
VAISHALI
 2. BIRCHANDRA PRASAD SINGH SON OF LATE JAGNARAYAN SINGH
RESIDENT OF VILLAGE- KANCHANPUR, PO- BUDDUPUR, PS- BID-
DUPUR, DISTT- VAISHALI
 3. SURAJ KUMAR SON OF BIRCHANDRA SINGH RESIDENT OF VIL-
LAGE- KANCHANPUR, PO- BUDDUPUR, PS- BIDDUPUR, DISTT-
VAISHALI
 4. SHASHIBHUSHAN SINGH SON OF RAJ NARAYAN SINGH RESI-
DENT OF VILLAGE- KANCHANPUR, PO- BUDDUPUR, PS- BID-
DUPUR, DISTT- VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJGIR PASWAN SON OF RAJNATH PASWAN RESIDENT OF VIL-
LAGE- SAHDULLAHPUR, PS- GANGA BRIDGE, DIST- VAISHALI AT
HAJIPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. PP
For the Respondent No.2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 Heard learned counsel for the appellants and learned
Special P.P. for the State.

2. Despite valid service of notice no one appears on
behalf of the respondent no. 2.

3. This appeal has been filed for setting aside order
dated 16.12.2023, passed in a case registered for the offence
punishable under Sections 341, 323, 324, 504, 506 of the Indian



Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per the prosecution case, on 28.09.2023, when the informant went to the house of Abdhesh Kumar, demanded his wage of Rs. 1600/- then appellant no. 1 abused him by caste name and also assaulted him by means of iron rod causing head injury. In the meantime, other accused-appellants also came there and threatened to kill him.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. It is further submitted that as a matter of fact, informant used to work as daily wage labour and due to some dispute he was ousted and in retaliation this false and concocted case has been lodged. Injury is simple in nature. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. The appellants no. 1, 2 and 3 have two criminal antecedents in which they are on bail whereas appellant no. 4 has one criminal antecedent in which appellant no. 4 is on bail.



6. On the other hand, learned Spl.PP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to these appellants.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 16.12.2023 passed by the learned Exclusive Special Court of SC/ST (Prevention of Atrocities) Act, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 587 of 2023 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, 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 learned Exclusive Special Court of SC/ST (Prevention of Atrocities) Act, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 587 of 2023.

(Prabhat Kumar Singh, J)

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