

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.561 of 2024

Arising Out of PS. Case No.-409 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Manoj Kumar Singh @ Manoj Kumar Son of Baidya Nath Prasad Singh @ Baijnath Mahto R/o vill - Sari Chakmurad, P.S. - Warisnagar, Distt. - Samastipur
2. Ram Bahadur Prasad Singh @ Ram Bahadur Singh Son of Baidya Nath Prasad Singh @ Baijnath Mahto R/o vill - Sari Chakmurad, P.S. - Warisnagar, Distt. - Samastipur
3. Prem Kumar Singh Son of Baidya Nath Prasad Singh @ Baijnath Mahto R/o vill - Sari Chakmurad, P.S. - Warisnagar, Distt. - Samastipur
4. Baidya Nath Prasad Singh @ Baijnath Mahto Son of Late Madho Mahto @ Madho Prasad Singh R/o vill - Sari Chakmurad, P.S. - Warisnagar, Distt. - Samastipur
5. Krishna Jivan Prasad Singh @ Ramjivan Singh Son of Baidya Nath Prasad Singh @ Baijnath Mahto R/o vill - Sari Chakmurad, P.S. - Warisnagar, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mokiya Devi W/o Ranjit Das R/o vill - Sari Tol, Chakmurad, P.S. - Warisnagar, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Despite filing *Vakalatnama*, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and State.

3. This appeal has been filed against the order dated 16.01.2024 passed by learned Special Judge, SC/ST Act, Samastipur in connection with A.B.P. No. 4127 of 2023 arising



out of Warisnagar P.S. Case No. 409 of 2023, registered under Sections 341, 323, 324, 354/34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on the alleged date and time, while informant was plucking lemon in the orchard of one Dorik Singh, these appellants came there and started abusing informant by caste name and assaulted her with knife due to which she sustained injury.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no such offence as alleged. As a matter of fact, informant wants to grab the land of appellants and on protest, maar-peet took place between the parties in which both sides sustained injuries. Case and counter case. Allegation of assault and abuse is general and omnibus. Injury allegedly caused by appellants is simple in nature. F.I.R. does not reveal presence of any public member when the alleged incident occurred, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.



7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Samastipur in connection with A.B.P. No. 4127 of 2023 arising out of Warisnagar P.S. Case No. 409 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 16.01.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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