

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.808 of 2023**

Arising Out of PS. Case No.-75 Year-2021 Thana- RUPAULI District- Purnia

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1. Vakil Sah @ Vakil Kumar, S/O Kishori Sah Resident Of Village- Lalganj Sah Tola, P.S.- Rupali, (Mohanpur), District- Purnea.
  2. Chandan Sah @ Chandan Kumar Sah, S/O Kishori Sah Resident Of Village- Lalganj Sah Tola, P.S.- Rupali, (Mohanpur), District- Purnea.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Saurav Kumar, S/O Late Surendra Rai Resident Of Village- Lalganj Rai Tola, P.S.- Rupali, (Mohanpur), District- Purnea.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ajit Kumar Singh  
For the Respondent/s : Ms. Usha Kumari- 1

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      29-02-2024                      Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 12.01.2023 passed by Sri Umesh Kumar, the learned Special Judge, SC/ST (Prevention of Atrocities) Act, Purnea in connection with A.B.A. No.115 of 2022 arising out of Rupauli Mohanpur P. S. Case No.75 of 2021, instituted for the offences under Sections 147, 148, 149, 447, 307 and 302 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.



3. The learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that 15 F.I.R. named accused persons including these appellants are alleged to have assaulted the father of the informant as a result of which, he sustained injuries and died during the course of treatment.

4. The learned counsel for the appellants submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the specific accusation of assault is against co-accused Babloo Sah and as far as these appellants are concerned, the allegation of assault against them is general and omnibus in nature. It is further submitted that the allegation of assault by all the accused persons further stands falsified by the post mortem report of the deceased which records only one injury. It is thus submitted that if the deceased was assaulted by all the accused persons as alleged in the F.I.R., then definitely in the post mortem report more injuries would have been found. It is next submitted that the case is counter-blast of Rupauli P. S. Case No. 74 of 2021 instituted against the deceased and others by one Kishori Sah. It is also submitted that similarly situated co-accused Kishori Sah and four others had moved this Court seeking



anticipatory bail by filing Cr. Misc. No.5497 of 2022 and the same was allowed by a learned Coordinate Bench by an order dated 28.07.2022 (Annexure-2).

5. The learned Special P. P. opposes the appeal.

6. Regard being had to the aforesaid submissions, the order dated 12.01.2023 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Umesh Kumar, the learned Special Judge, SC/ST Act, Purnea in connection with Rupauli Mohanpur P. S. Case No.75 of 2021 (A.B.A. No.115 of 2022), subject to the conditions laid down under Section 438(2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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