

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1004 of 2024

Arising Out of PS. Case No.-450 Year-2023 Thana- BARBIGHA District- Sheikhpura

1. Jagat Ram Son of Late Kali Ram Resident of Village- Ismailpur, P.S.- Barbigha, District- Sheikhpura
2. Gariban Ram Son of Jagat Ram Resident of Village- Ismailpur, P.S.- Barbigha, District- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Ramnath Paswan Son of Bale Paswan Resident of Village- Ismailpur, P.S.- Barbigha, District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2024 Despite valid service of notice, 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 31.01.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Sheikhpura in connection with A.B.P. No. 45 of 2024 arising out of Barbigha P.S. Case No. 450 of 2023, registered under Sections 147, 149, 341, 323, 324, 379, 354(B), 504 of the Indian Penal Code and Section 3(i)(r)(s)/3(2) (va) 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 24.10.2023 all the F.I.R. named accused persons including these appellants assaulted informant by means of lathi and when his wife and son came to the rescue, they were also assaulted. It is further alleged that the accused persons snatched gold locket from the neck of his son and threatened to kill.

5. Learned counsel for the appellants submits that both parties are next door neighbours and due to petty dispute, a simple occurrence of maar-peet took place. There is no allegation of abuse by caste name in the F.I.R., 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 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Sheikhpura in connection with Barbigha P.S. Case No. 450 of



2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 31.01.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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