

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1274 of 2023

Arising Out of PS. Case No.-531 Year-2022 Thana- WARISLIGANJ District- Nawada

1. SAURAV SINGH @ KARU SINGH Son of Upendra Singh R/V- Chakway, P.S- Warisaliganj, Dist- Nawada
2. Mithlesh Singh @ Mithlesh Sharma Son of Sidho Singh @ Sidheshwar Sharma R/V- Chakway, P.S- Warisaliganj, Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Shravan Kumar @ Shravan Kumar Chaudhary son of Lakhan Chaudhary R/V- Chakway, P.S- Warisaliganj, Dist- Nawada

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2024 Despite valid service of notice, nobody appears on behalf of the respondent No. 2.

2. Heard the parties.

3. This appeal has been filed against the order dated 09.02.2023 passed by learned Exclusive Special Court, SC/ST Act, Nawada in connection with A.B.P. No. 2986 of 2022 arising out of Warisaliganj P.S. Case No. 531 of 2022, registered under Sections 341, 323, 307, 354, 504, 506/34 of the Indian Penal Code and Section 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 the F.I.R., on the alleged date and time of the occurrence, all the accused persons including these appellants, variously armed, came at the house of the informant and co-accused Subir Singh assaulted the informant with iron rod on right leg, causing fracture. The reason for the occurrence is quarrel between the children of both the parties.

5. Learned counsel for the appellants submits that the alleged occurrence took place on 11.09.2022 but F.I.R. has been lodged on 17.09.2022 i.e. after inordinate delay of 6 days without any reasonable explanation which itself creates doubt over the veracity of the prosecution case. Specific allegation of assault is against co-accused Subir Singh. Allegation against the appellants is general and omnibus. Furthermore, it is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view and hence no offence under SC/ST Act is made out. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State 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 six 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 Exclusive Special Court, SC/ST Act, Nawada in connection with A.B.P. No. 2986 of 2022 arising out of Warisaliganj P.S. Case No. 531 of 2022.

8. Accordingly, the impugned order dated 09.02.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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