

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1435 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- DEV District- Aurangabad

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1. PINTU KUMAR SINGH @ PINTU SINGH Son of Mukhdeo Singh Resident of Village-Chainpur, P.S.-Deo, District-Aurangabad
 2. PRAWESH SINGH @ RAMPRAVESH SINGH Son of Late Devnandan Singh @ Devnandan Resident of Village-Chainpur, P.S.-Deo, District-Aurangabad
 3. CHANDAN KUMAR @ CHANDAN SINGH Son of Prawesh Singh @ Rampravesh Singh Resident of Village-Chainpur, P.S.-Deo, District-Aurangabad
 4. NIRAJ KUMAR SINGH @ NIRAJ SINGH Son of Krishna Singh Resident of Village-Chainpur, P.S.-Deo, District-Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. FULWA DEVI Wife Binod Kumar Resident of Village-Chainpur, P.S.-Deo, District-Aurangabad

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Ashok Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-07-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 15.02.2023 passed in a case registered for the offence punishable under Sections 341, 323, 448, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. As per prosecution case, on 31.01.2023 at 8



o'clock in the night, while the informant was at her house, all these appellants are alleged to have arrived there and abused and assaulted the informant.

4. It is submitted by learned counsel appearing on behalf of the appellants that from bare perusal of the F.I.R. it is manifest that civil dispute is pending between the parties and in order to settle the same, this false and concocted case has been lodged. It is further submitted that all the sections of the Indian Penal Code are bailable and there is no allegation of abused by caste name against these appellants and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. It is further submitted that the allegation of assault is general and omnibus. Appellants claim clean antecedent.

5. Learned Spl. P.P. for the State and learned counsel appearing for Respondent No. 2 have opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 15.02.2023 passed by the court of learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad, in connection with A.B.P. No. 264 of 2023 arising



out of Deo P.S. Case No. 27 of 2023 is hereby set aside with respect to these appellants only.

7. 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 the learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad, in connection with A.B.P. No. 264 of 2023 arising out of Deo P.S. Case No. 27 of 2023.

(Prabhat Kumar Singh, J)

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