

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1932 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SC/ST District- Khagaria

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1. REKHA DEVI WIFE OF RAJ KUMAR SINGH RESIDENT OF VILLAGE- ICHARUA, WARD NO. 07, PS- ALAULI, DIST- KHAGARIA
 2. RANJAN DEVI WIFE OF NARAYAN SINGH RESIDENT OF VILLAGE- ICHARUA, WARD NO. 07, PS- ALAULI, DIST- KHAGARIA
 3. SITA DEVI WIFE OF RAM BILASH SINGH RESIDENT OF VILLAGE- ICHARUA, WARD NO. 07, PS- ALAULI, DIST- KHAGARIA
 4. NEHA KUMARI DAUGHTER OF RAM BILASH SINGH RESIDENT OF VILLAGE- ICHARUA, WARD NO. 07, PS- ALAULI, DIST- KHAGARIA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Ranjeet Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 10-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 11.03.2024, passed in a case registered for the offence punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. The prosecution case in brief is that on 10.02.2024, while the informant was constructing house on her



land, in the meantime, due to dispute over pathway, all the accused persons named in the F.I.R., including these appellants, who happen to be neighbours of the informant, came and assaulted informant and also abused her by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. As a matter of fact, on the alleged date and time of occurrence, due to dispute over pathway, a simple maar-peet took place between the parties, as a result of which both sides sustained injuries. There is case and counter-case between the parties. Moreover, the F.I.R. does not disclose that any any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to these appellants and submitted that appellants are named in the F.I.R. and they have also got criminal antecedents of similar nature.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated



11.03.2024 passed by the Court of learned Additional Sessions Judge-1st-cum-Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Khagaria, in connection with Special A.B.A. No. 12 of 2024 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 learned Additional Sessions Judge-1st-cum-Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Khagaria, in connection with Khagaria SC/ST P.S. Case No. 3 of 2024.

(Prabhat Kumar Singh, J)

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