

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2184 of 2024

Arising Out of PS. Case No.-1025 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Aman Kumar Singh @ Aman Kr. Singh son of Parmeshwar Singh Village-
Gheghata Ps- Muffasil Dist- Saran
2. Awadhesh Kumar Kushwaha @ Awadhesh Kumar son of Parmeshwar
Kumar Kushwaha Village- Gheghata Ps- Muffasil Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhishek Kumar son of Shambhu Ram Village- Sherpur Ps- Muffasil Dist-
Saran

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Raghwendra Pratap Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Bhavesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-11-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 06.03.2024 passed in a case registered for the offence punishable under Sections 341, 325, 504, 506, 307 and 34 of the Indian Penal Code and Section 3(r)(s)2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail to these appellants has been rejected.

3. As per prosecution case, on the alleged date and time of occurrence, due to previous enmity, all the F.I.R. named accused persons, including these appellants, surrounded the



informant and started abusing him by caste name. It is further alleged that Appellant No. 1 assaulted informant by means of knife causing injuries on the neck and waist and Appellant No. 2 assaulted informant with fists.

4. It is submitted by learned counsel appearing on behalf of the appellants that the appellants are innocent and have falsely been implicated in this case due to money dispute between the parties. As a matter of fact, due to business transaction between the parties, a minor scuffle took place and taking advantage of the situation, this false and concocted case has been lodged. Doctor has found the injuries sustained by the injured to be simple in nature. Moreover, it is not the case of the prosecution that any member of the public was present at the time of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Spl. P.P. appearing for the respondent-State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to these appellants.

6. Considering the aforesaid facts and circumstances



of the case, this appeal is allowed and the impugned order dated 06.03.2024 passed by the learned Exclusive Special Judge, SC/ST, Saran, in connection with A.B.P. No. 766 of 2024 arising out of Chapra Muffasil P.S. Case No. 1025 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 learned Exclusive Special Judge, SC/ST, Saran at Chapra, in connection with Chapra Muffasil P.S. Case No. 1025 of 2023.

(Prabhat Kumar Singh, J)

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