

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3253 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- SHIVSAGAR District- Rohtas

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1. DEEPAK KUMAR SON OF SURENDRA SINGH RESIDENT OF VILLAGE - CHANDWA, POLICE STATION - SHIVSAGAR, DISTRICT - ROHTAS AT SASARAM
 2. SURENDRA SINGH @ SURENDRA KUMAR SINGH SON OF LATE BANSIDHAR SINGH RESIDENT OF VILLAGE - CHANDWA, POLICE STATION - SHIVSAGAR, DISTRICT - ROHTAS AT SASARAM
 3. PAWAN KUMAR SON OF SURENDRA SINGH RESIDENT OF VILLAGE - CHANDWA, POLICE STATION - SHIVSAGAR, DISTRICT - ROHTAS AT SASARAM

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JITENDRA KUMAR RANJAN SON OF RAM SIHASHAN PASWAN RESIDENT OF VILLAGE - CHANDWA, POLICE STATION - SHIVSAGAR, DISTRICT - ROHTAS AT SASARAM

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP
For respondent No. 2 : Mr. Surender Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-09-2024

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 09.02.2024 , passed in a case registered for the offence punishable under sections 341 , 323 , 379, 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i) (r), 3(1)(s), 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2014 whereby the prayer for anticipatory bail of the appellants has been rejected.



3 . As per prosecution case , on the alleged date and time of occurrence , all the accused persons including these appellants armed with various weapons abused him by caste name and also assaulted informant.

4. It is submitted on behalf of appellants that as a matter of fact appellant No. 1 filed an Encroachment case against informant before learned Additional Collector Public Grievance Redrassal Officer, Rohtas at Sasaram and in retaliation this false and concocted case has been lodged against these appellants. Allegation of assault is general and omnibus against these appellants and no specific overt act has been alleged against them. F.I.R., does not disclose that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Counsel for the respondent No. 2 as well as Special Public prosecutor opposed the prayer for bail and submitted that these appellants are named in the F.I.R., with specific allegation of assaulting informant.

6 Considering the fact allegation of assault is general and omnibus against these appellants, clean antecedent of these appellants and other circumstances of the case , this appeal is



allowed and the impugned order is set aside. 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 Additional District and Sessions Judge 17- cum – Special Judge SC / ST Act Rohtas at Sasaram in connection with Shivsagar Police Station Case No. 76 of 2024 .

(Prabhat Kumar Singh, J)

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