

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3419 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- MADHUBAN District- East Champaran

1. BHIKHARI PRASAD Son of Late Pahalad Bhagat Resident of village - Sirauli, P.S. - Madhuban, Distt. - East Champaran
2. Satyendra Kumar Son of Bhikhari Prasad Resident of village - Sirauli, P.S. - Madhuban, Distt. - East Champaran
3. Satpal Arya Son of Late Ram Ashish Arya @ Late Ram Ashish Bhagat Resident of village - Sirauli, P.S. - Bhagwanpur, Distt. - East Champaran
4. Nagendra Prasad Son of Ramadhar Bhagat Resident of village - Kothiya, P.S. - Madhuban, Distt. - East Champaran
5. Shiv Shambhu Prasad Son of Laxaman Bhagat Resident of village - Kothiya, P.S. - Madhuban, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Umesh Ram Son of Ram Narayan Ram Resident of village - Kothiya, ward no. 12, P.S. - Madhuban, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kundan Rathore@ Kundan Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-11-2024 1. Heard the parties.

2. The appellants apprehend their arrest in connection with Madhuban P.S. Case No. 175 of 2023 registered for the offence under Section 341, 323, 379, 504 / 34 of the IPC and Section 3 (i)(r)(s) of the SC/ST Act and being aggrieved by the order dated 30.05.2023 passed by learned Special Court SC/ST Act, East Champaran, Motihari has preferred this appeal for grant of anticipatory bail.



3. As per the first information report the appellants abused the informant by his caste name, assaulted him by with iron rod, fists and legs and snatched a sum of Rs. 15,000/- from his pocket.

4. Learned counsel for the appellants submits that from perusal of the first information report it would be evident that occurrence has taken place near the maize field wherein the appellants surrounded the informant and abused him by his caste name and also assaulted him. The place of occurrence is not a public place and there is no allegation that the informant was abused in his caste name by the appellants in full public view. The present F.I.R. has been lodged due to political rivalry. The injuries caused to the informant are simple in nature.

5. Learned counsel for the State submits that notice has been given to the respondent no. 2 by him but no body appears for the respondent no. 2. He further submits that the appellants are named in the F.I.R.

6. Regard being had to the submission made by the parties, taking into consideration the fact that *prima facie* it appears that abuse was not made by the appellants in full public view and the injuries caused to the informant are simple in nature, as such, I am inclined to grant anticipatory bail to the appellants.



7. Accordingly, the order dated 30.05.2023 passed in A.B.P. No. 2187 of 2023 arising out of Madhuban P.S. Case No. 175 of 2023 passed by learned Special Judge SC/ST Act, East Champaran, Motihari is hereby set aside.

8. Let the appellants, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Madhuban P.S. Case No. 175 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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