

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3908 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- TANDWA District- Aurangabad

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1. ALOK SINGH @ AVINASH KUMAR SINGH @ AVINASH SINGH SON OF ASHOK SINGH R/V- Village- Surhna, P.O.- Mehiya, P.S.- Tandwa, Distt.- Aurangabad (Bihar)
 2. ASHOK SINGH SON OF DIGVIJAY SINGH R/V- Village- Surhna, P.O.- Mehiya, P.S.- Tandwa, Distt.- Aurangabad (Bihar)
 3. SANTOSH SINGH SONOF RAJ KISHORE SINGH R/V- Village- Surhna, P.O.- Mehiya, P.S.- Tandwa, Distt.- Aurangabad (Bihar)
 4. RAHUL SINGH SON OF RAJNANDAN SINGH R/V- Village- Surhna, P.O.- Mehiya, P.S.- Tandwa, Distt.- Aurangabad (Bihar)
 5. SUNIL SINGH @ SUNIL KUMAR SINGH SONOF RAJENDRA SINGH R/V- Village- Surhna, P.O.- Mehiya, P.S.- Tandwa, Distt.- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. PANKAJ KUMAR SON OF BALDEO PASWAN R/V- Village- Surhna, P.O.- Mehian, P.S.-Tandwa,Distt.- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek
For the State	:	Ms.Usha Kumari 1
For Opposite Party No. 2:		Ms. Nikita Mittal
		Mr. Aklash Raj

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 28-10-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the appellants, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.2. An order, dated 25.07.2024 passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST), Aurangabad, in A.B.P. No. 1411 of 2024, is under challenge in the present appeal preferred under Section |
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14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Tandwa Police Station Case No. 68 of 2024, registered for the offences punishable under Sections 147/148/341/323/307/354/504 of the Indian Penal Code and Sections 3 (1) (r)/3 (1) (s)/3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 22.06.2024, while the informant and his family members were sitting at the door of their house, accused persons came there and co-accused Santosh Kumar abused the brother of the informant, namely, Dhiraj Kumar by taking his caste name and assaulted him. When the informant and others tried to intervene in the matter, all the accused persons, including the appellants assaulted them by means of sword and other weapons, due to which they sustained injuries.
4. Learned Counsel appearing on behalf of the appellants submits that the appellants have not committed any offence in the manner alleged and from perusal of the



First Information Report, it is evident that the ingredient of provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is not made out against the appellants. He further submits that the allegation against the appellants is general and omnibus in nature and the injuries sustained by the informant and others is simple in nature. He further submit that there is case and counter case inasmuch as Tandwa Police Station Case No. 69 of 2024 has been filed by the side of the appellants against the informant sand others.

5. Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that there is no specific allegation against the appellants either of abusing the informant and others by taking their caste name in the public view and/or assaulting the informant and others, case and counter case is there and the injuries sustained by the informant side is simple in nature, I am inclined to grant the appellants privilege of anticipatory bail.
6. Accordingly, this appeal is allowed and the order, dated 25.07.2024, passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST), Aurangabad, in



A.B.P. No. 1411 of 2024, is set aside.

7. Let the appellants, above named, in the event of their arrest/surrender before the learned District Court, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST), Aurangabad, in connection with Tandwa Police Station Case No. 68 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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