

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4328 of 2023

Arising Out of PS. Case No.-336 Year-2023 Thana- DHANARUA District- Patna

AMIT KUMAR @ RANJIT @ RANJEET YADAV Son of Moti Lal @ Moti
Yadav Resident of Village-Bulaki Bigha, PO-Pabhera, P.S.-Dhanarua,
District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. SUSHILA DEVI Wife of Akhilesh Paswan Resident of Village-Dumra, P.S.-
Dhanarua, District-Patna.

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 4217 of 2023

Arising Out of PS. Case No.-336 Year-2023 Thana- DHANARUA District- Patna

Chintu Kumar @ Chintu Prasad S/o- Krishnandan Prasad @ Krishnandan
Yadav @ Mangal Yadav Village- Bulaki Bigha Pabhera Ps- Dhanarua Dist-
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi wife of Akhilesh Paswan Village- Dumra Ps- Dhanarua Dist-
Patna

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 4328 of 2023)
For the Appellant/s : Mr. Ravi Ranjan, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, sPl. PP
(In CRIMINAL APPEAL (SJ) No. 4217 of 2023)
For the Appellant/s : Mr. Ravi Ranjan, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, sPl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-05-2024 Re: CRIMINAL APPEAL (SJ) No.4328 of 2023

Despite valid service of notice , nobody appears on behalf
of the respondent No. 2.



2. Heard learned counsel for the parties.

3 . This appeal has been filed for setting aside order dated 23.08.2023 , passed in a case registered for the offence punishable under sections 341 , 323 , 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i) (r)(s), 2(va) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per the prosecution case , on the alleged date and time of occurrence , all the accused persons including this appellant abused the informant by her caste name and also assaulted the informant due to which she sustained injury .

5 . It is submitted that on behalf of the appellant that he has falsely been implicated in this case on account of personal grudge . Allegation against this appellant is general and omnibus. Specific allegation of assault is against other co-accused person . On the alleged date and time of occurrence , appellant was not present at the place of occurrence . It is not the case of the prosecution that the alleged incident took place within the public view, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

6. Counsel for the Spl. PP for the State oppose the



prayer for bail.

7. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, 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 Exclusive Special Judge , SC/St , Patna , in connection with Dhanarua Police Station Case No. 336 of 2023 .

Re: CRIMINAL APPEAL (SJ) No.4217 of 2023

Despite valid service of notice , nobody appears on behalf of the respondent No. 2.

2. Heard learned counsel for the parties.

3 . This appeal has been filed for setting aside order dated 23.08.2023 , passed in a case registered for the offence punishable under sections 341 , 323 , 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i) (r)(s), 2(va) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per the prosecution case , on the alleged date



and time of occurrence , all the accused persons including this appellant abused the informant by her caste name and also assaulted the informant due to which she sustained injury .

5 . It is submitted that on behalf of the appellant that he has falsely been implicated in this case on account of personal grudge . Allegation against this appellant is general and omnibus. Specific allegation of assault is against other co-accused person . Alleged incident took place due to property dispute rather than to humiliate the victim for belonging to lower caste . It is not the case of the prosecution that the alleged incident took place within the public view, as such, no case under SC/ST Act is made out.

6. Counsel for the Spl. PP for the State oppose the prayer for bail.

7. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, 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 Exclusive Special Judge , SC/St , Patna , in connection with Dhanarua Police Station Case No.



336 of 2023 .

(Prabhat Kumar Singh, J)

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