

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4545 of 2023

Arising Out of PS. Case No.-327 Year-2023 Thana- OBRA District- Aurangabad

1. Guddu Singh @ Mukesh Singh Son Of Balindra Singh @ Birendra Singh Village- Parsa, Ps- Obra, Dist- Aurangabad
2. Arun Singh Son Of Late Sidheshwar Singh Village- Parsa, Ps- Obra, Dist- Aurangabad
3. Mithun Singh @ Lav Singh Son Of Arun Singh Village- Parsa, Ps- Obra, Dist- Aurangabad
4. Chhotu Singh @ Kush Kumar @ Kush Singh Son Of Arun Singh Village- Parsa, Ps- Obra, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalo Devi W/O Rajesh Ram Resident Of Village- Parsa, P.S.- Obra, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manager Sah, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.
		Mr. Anil Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 28.08.2023 passed by learned Special Judge (SC/ST), Aurangabad in connection with A.B.P. No. 1542 of 2023 arising out of Obra P.S. Case No. 327 of 2023, registered under Sections 341, 323, 504, 506, 448, 34 of the Indian Penal Code and Sections 3(i)(r)(s)/(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per F.I.R., all these appellants assaulted the



informant and others by iron rod due to which they sustained injuries. It is also alleged that they also abused them by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case. It is further submitted that the present case is the counter blast of Obra P.S. Case No. 327 of 2023 which was lodged by appellant no. 2 against the informant and others and the present case has been instituted by the informant in order to save the skin of the accused persons. It is next submitted that the injuries sustained by injured are simple in nature. It is not the case of the informant that the alleged incident took place within public view, as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged 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



Special Judge (SC/ST), Aurangabad in connection with A.B.P.
No. 1542 of 2023 arising out of Obra P.S. Case No. 327 of 2023.

7. Accordingly, the impugned order dated 28.08.2023
is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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