

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4520 of 2023

Arising Out of PS. Case No.-566 Year-2023 Thana- NAGAR District- Vaishali

-
1. MAHESH SINGH S/O FAKIRA SINGH VILLAGE - RAMCHAURA, P.S. - TOWN (NAGAR), Hajipur
 2. Ganesh Singh S/o Fakira Singh R/o Village - Ramchaura, P.S. - Town (Nagar) Hajipur

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kunti Devi W/o Mahesh Paswan R/o Village - Ramchaura, Ward No. 16, P.S. - Town (Nagar) Hajipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Smiti Bharti

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 19-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 22.08.2023, passed in a case registered for the offence punishable under Sections 341, 147, 148, 149, 307/504 of the Indian Penal Code, section 27 of the Arms Act and Section 3(1)(r)(s) S.C./S.T. Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case, in brief, is that on 19.07.2023 at 12:30 P.M., 8-10 unknown persons started cutting banana plant and the informant and her husband went to collect



the banana for her cows, in the meantime, co-villagers including these appellants and other accused persons opened fire causing fire arm injury in the stomach of informant's husband due to which he fell down and became unconscious. Appellant no. 2 abused the informant by her caste name.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. There is nothing on record the connect the appellants with the alleged occurrence. There is no motive has been alleged for this occurrence. There is general and omnibus allegation against these appellants. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. On the other hand, learned Spl.PP. appearing on behalf of the State and learned counsel appearing on behalf of the Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 22.08.2023, passed by the learned Additional District and



Sessions Judge-cum-Exclusive Spl. Judge (SC/ST Act), Vaishali at Hajipur, in connection with Town (Nagar) Hajipur P.S. Case No. 566/2023 is hereby set aside with respect to these appellants only.

7. Accordingly, 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 learned Additional District and Sessions Judge-cum-Exclusive Spl. Judge (SC/ST Act), Vaishali at Hajipur, in connection with Town (Nagar) Hajipur P.S. Case No. 566/2023.

(Prabhat Kumar Singh, J)

Ranjeet/-

U		T	
---	--	---	--

