

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4556 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- MAKER District- Saran

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1. ARJUN KUMAR Son of Badan Ray R/o vill - Chakiya, P.S. - Maker, Distt. - Saran
 2. Pappu Kumar Son of Lalkishun Ray R/o vill - Chakiya, P.S. - Maker, Distt. - Saran
 3. Vikki Kumar S/o Prabhu Ray R/o vill - Chakiya, P.S. - Maker, Distt. - Saran
- Appellants

Versus

1. The State of Bihar
 2. Sanoj Kumar Son of Mahesh Rai R/o vill - Kasba Maker Anjani, P.S. - Maker, Distt. - Saran
- Respondents

Appearance :

For the Appellants : Mr.Nalin Kumar, Advocate
For the Respondents : Mr.Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-05-2024 Heard learned counsel for the appellants and the State. Nobody appears for respondent no.2 in spite of valid service of notice on him.

2. This appeal has been filed for setting aside order dated 8.8.2023, passed in a case registered for the offence punishable under sections 341,323,324,504,506/34 of the IPC and sections 3(i)(r)(s)/3(2)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on 22.05.2023 at 9 PM the dwarpuja was going on in the marriage of daughter of one Dasais Ram. DJ was also playing. At the same time accused



persons, namely, Arjun Kumar (appellant no.1), Rahul Kumar, Deepak Kumar, Vikki Kumar (appellant no.3), Niraj Kumar, Subash Rai, Prince Kumar and Bittu Kumar together arrived and began to play obscene song. On protest, they together began to assault respondent no.2 with legs, fists abusing him with his caste name in filthy language. Further, appellant no.1 assaulted with piece of bamboo on the head of the respondent no.2 and blood began to ooze out.

4. Learned counsel appearing for the appellants submits that free fight took place between the parties on the dispute over playing DJ. Injuries caused by the appellants are simple in nature. Contents of the FIR do not indicate that these appellants committed the alleged offence on the ground that respondent no.2 belongs to the SC/ST category and as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellants, named above, in the event of their 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 Exclusive Special judge SC/ST Act, Saran at Chapra in Maker Police Station Case No. 93 of 2023.

(Prabhat Kumar Singh, J)

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