

Arising Out of PS. Case No.-410 Year-2023 Thana- WARISLIGANJ District- Nawada

- Appellant/s

Versus

- ... Respondent/s

For the Appellant/s : Mr. Birendra Kumar , Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

4 05-07-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 14.09.2023 , passed in a case registered for the offence punishable under sections 147, 148 , 149, 323 , 307 and 504 of the Indian Penal Code and and 27 of Arms Act and sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes Act (POA), whereby the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, while the informant and others assembled near the statue of Baba Ambedkar, in the meanwhile,



all the accused persons named in the FIR, along with other co-accused persons, came there and they prevented the informant and other to host the national flag. When the informant and others tried to pacify the matter, then all the accused persons abused by caste name and assaulted the informant and others by means of lathi, danda, etc. It is further alleged that Gautam Kumar (appellant No. 1) Satyam Kumar, and Janardan Prasad opened fire by means of a rifle, but no one sustained injury. It is further alleged that they also damaged the finger of the statue of Baba Ambedkar.

4. It is submitted on behalf of the appellants that there is general and omnibus allegation against these appellants. As a matter of fact, on the alleged date and time of occurrence, the informant and his associates in order to grab the plot No. 1857 (Land of Math) forcibly tried to keep the statue of Baba Saheb Ambedkar, which was objected to by the villagers. They then resorted to firing. It is further submitted that, in order to save their skin from the case of Warsiliganj P.S. Case no. 201 of 2023, this false and concocted case has been lodged. Rest of the allegation is super addition to make the case grave in nature . It is not the case of the prosecution that any member of public was present at the time of incidence as such, no case under SC/ST



Act is made out.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to this appellants only and the impugned order is set aside. 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 the learned Exclusive Special Judge, SC/St POA Act, Nawada in connection with Warsaliganj Police Station Case No. 410 of 2023 .

(Prabhat Kumar Singh, J)

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