

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4844 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- SC/ST District- Saran

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1. UMESH SAH @ UMESH KUMAR GUPTA SON OF RAJNATH SAH
RESIDENT OF VILLAGE- MIRZAPUR, PS- AVATAR NAGAR DISTT-
SARAN
 2. KISHOR SAH @ KUMAR KISHOR SON OF RAJNATH SAH
RESIDENT OF VILLAGE- MIRZAPUR, PS- AVATAR NAGAR DISTT-
SARAN
 3. RAJARAM SAH @ RAJNATH SAH SON OF LATE RAMPRIT SAH
RESIDENT OF VILLAGE- MIRZAPUR, PS- AVATAR NAGAR DISTT-
SARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MAYA DEVI WIFE OF RAMESH CHOUDHARY RESIDENT OF
VILLAGE- MIRZAPUR, PS- AVATAR NAGAR DISTT- SARAN

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Avinash Chandra, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Harish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 20-06-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 27.09.2023 passed by Court of the learned Additional Sessions Judge I-cum-Special Judge (SC/ST Act), Chapra, Saran, in a case registered for the offence punishable under sections 341, 323, 354, 379, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(5)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has



been rejected.

3. As per prosecution case, allegation against these appellants is that all of them came to the house of the informant and abused her by her caste name and on protest by the informant, they assaulted her with lathi and danda.

4. It is submitted by learned counsel appearing on behalf of the appellants that the appellants have been falsely implicated in this case out of village politics. It is further submitted that it is not the case of the prosecution that the alleged incidence took place in presence of public and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. It is further submitted that the allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. It is further submitted that the injuries sustained by the victim have been opined to be simple in nature. Appellants claim clean antecedents.

5. Learned Spl. P.P. for the State and learned counsel appearing for Respondent No. 2 have opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated



27.09.2023 passed by the Court of learned Additional Sessions Judge I-cum-Special Judge (SC/ST Act), Chapra, Saran, in A.B.P. No. 3265 of 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 the learned Additional Sessions Judge I-cum-Special Judge (SC/ST Act), Chapra, Saran, in connection with A.B.P. No. 3265 of 2023 arising out of SC/ST Chapra, Saran, P.S. Case No. 10 of 2023.

(Prabhat Kumar Singh, J)

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