

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4910 of 2023**

Arising Out of PS. Case No.-160 Year-2023 Thana- AMNAUR District- Saran

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1. ANISH KUMAR SINGH @ ANISH KUMAR S/O KANHAIYA SINGH VILLAGE- MAKSHUDPUR, BASATPUR, SARAN, BIHAR-841401
 2. PRINCE KUMAR SINGH S/O SHASHUBHUSHAN SINGH VILLAGE- MAKSHUDPUR, BASATPUR, SARAN, BIHAR-841401

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KUSUM DEVI W/O MAHENDRA NAT VILLAGE- GANGAPUR, PS. AMNOUR, DIST. SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Suman Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Dhiraj Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 27-06-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 06.10.2023 passed in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 324, 427, 354B, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) 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, 24 accused persons named in the F.I.R., including these appellants, along with 40 to 50 unknown persons, entered the house of the informant and



others and assaulted them and also looted their household articles.

4. It is submitted by learned counsel appearing on behalf of the appellants that allegation of assault is general and omnibus. No specific overt act has been alleged against these appellants. From perusal of the F.I.R. it is apparent that there is admitted dispute between people Gangapur and Madubani villages for their boundary and for that, a counter-case bearing Amnour P.S. Case No. 161 of 2023 has also been lodged by one Munni Devi against husband of the informant and others. There is no allegation that these appellants abused the informant by caste name and as such, no case under the SC/ST Act is made out. Appellants claim clean antecedent.

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 06.10.2023 passed by the learned Special Judge, SC/ST Court, Chapra, Saran, in A.B.P. No. 3669 of 2023 arising out of Amnour P.S. Case No. 160 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 Special Judge, SC/ST Court, Chapra, Saran, in A.B.P. No. 3669 of 2023 arising out of Amnour P.S. Case No. 160 of 2023.

(Prabhat Kumar Singh, J)

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