

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5334 of 2023**

Arising Out of PS. Case No.-434 Year-2023 Thana- MADANPUR District- Aurangabad

1. RAHUL KUMAR S/O RAJDEO SHAW @ RAJDEO SAH VILLAGE-MANIKA, PS. MADANPUR, DIST., AURANGABAD (BIHAR)
2. BHOLU KUMAR S/O BAIJU SAW R/O VILLAGE- MANIKA, PS. MADANPUR, DIST., AURANGABAD (BIHAR)
3. SUBHAM KUMAR @ VIKASH KUMAR S/O VIJAY SAW R/O VILLAGE- MANIKA, PS. MADANPUR, DIST., AURANGABAD (BIHAR)

... .. Appellant/s

Versus

1. The State of Bihar
2. GITA DEVI W/O VIJAY PASWAN VILLAGE- MANIKA, PS. MADANPUR, DIST., AURANGABAD (BIHAR)

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Aman Vishal , Advocate  
For the Respondent/s : Mr. Binay Krishna, SPP

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

4      11-07-2024                      The bail appeal of appellant namely Rajdeo Shaw @ Rajdeo Sah has already been withdrawn vide order dated 02.02.2024 .

2. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

3 . Heard learned counsel for the parties.

4. This appeal has been filed for setting aside order dated 13.10.2023 , passed in a case registered for the offence punishable under sections 341, 323, 504 and 34 and other allied sections of the Indian Penal Code 1860 and sections 3(i)(r), 3 (i)(s), 3 (i)(w),3(2)(v)(a) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

5 . As per F.I.R., all the accused persons including these appellants abused the informant by caste name and also assaulted him.

6. It is submitted on behalf of the appellants that no such occurrence as alleged has ever taken place . As a matter of fact, on the alleged date and time of occurrence , wife of the co-accused Rajdeo Shaw @ Rajdeo Sah had assisted the few bank staff who were searching the house of the informant for recovery of monthly installments of loan . Thereafter family members of of informant got annoyed and entered in the shop of Indu Devi ( wife of co-accused Rajdeo Shaw @ Rajdeo Sah ) and brutally assaulted her and looted money for which the appellants side filed a criminal Complaint Case No. 1013 of 2023 i. e., Annexure – 2 to the bail petition against the informant and others. The present F.I.R., has been lodged after the delay of two days for which there is no plausible explanation. It is not the case of the informant that any member of public was present at the time of incident, as such no case under SC/ST is made



out. Appellants claim clean antecedent.

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

8 . Considering the aforesaid facts, this appeal is allowed with respect to appellant these appellants only and the impugned order is set aside. Let the appellant Nos. 1 ,2 and 3 , 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) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions judge – III-cum-Special Judge, SC/St Act, Aurangabad in connection with Madanpur Police Station Case No. 434 of 2023 .

**(Prabhat Kumar Singh, J)**

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