

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.144 of 2023

Arising Out of PS. Case No.-652 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

1. ANIL BIND SON OF MOHAN BIND R/O VILL.- DEWARJEE KALA, P.S.- BHABUA, DISTT.- KAIMUR (BHABUA)
2. Mithilesh Bind @ Mithilesh Kumar S/o Sheo Bind R/O VILL.- DEWARJEE KALA, P.S.- BHABUA, DISTT.- KAIMUR (BHABUA)
3. Ranjeet Bind S/o J.P. Bind @ Jaiprakash Bind R/O VILL.- DEWARJEE KALA, P.S.- BHABUA, DISTT.- KAIMUR (BHABUA)

... .. Appellant/s

Versus

1. The State of Bihar
2. BABLU RAM SON OF NARESH RAM R/O VILL.- DEWARJEE KALA, P.O.- KUDASAN, P.S.- BABHAU, DISTT.- KAIMUR(BHABUA)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-05-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of these appellants.

2. This appeal has been filed for setting aside order dated 01.12.2022 , passed in a case registered for the offence punishable under sections 341, 342, 323, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case in brief, is that on



07.10.2022 at about about 2:30 PM, when informant went to Pokhra in his village, in the meantime , these appellants including other co-accused persons abused him by caste name and upon protest, all the accused persons assaulted him with kick , Punch , shoes and slippers and when sister of informant Mangari Kumari came there to save him, then all the accused persons assaulted sister of informant with kick and brick due to which she sustained injury . It is further alleged that co- accused persons threatened informant with dire consequences.

4. It is submitted that this case is counter version of Bhabua P S Case No. 655 of 2022 which was lodged against informant and others by appellants' side . Allegation of assault is general and omnibus against these appellants. There is no injury report on record to substantiate the allegation against these appellants. It is not the case of informant that any member of public was present at the time of incident, as such , no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned Special Public Prosecutor for the State opposed the prayer for bail.

6. Considering the fact that there is no injury report on record, clean antecedent of these appellants and



circumstances of the case , this appeal is allowed 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 Additional District Sessions Judge 1 cum Special Judge Kaimur at Bhabua in connection with Bhabua Police Station Case No. 652 of 2022 .

(Prabhat Kumar Singh, J)

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