

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.212 of 2024

Arising Out of PS. Case No.-1202 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Ratan Kumar Singh S/O Yogendra Prasad Mandal @ Jitendra Prasad Singh Village- Chak Bhuska, P.O.- Shobhnathpur, Ps. Kahalgaon, Dist. Bhagalpur.
2. Bikash Kumar Singh @ Bikesh Kumar Singh S/O Yogendera Prasad Mandal @ Jitendra Prasad Singh Village- Chak Bhuska, P.O.- Shobhnathpur, Ps. Kahalgaon, Dist. Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shanti Devi W/O Singheshwar Paswan Resident Of Chak Bhuska, P.O.- Shobhnathpur, Ps. Khalgaon, Dist. Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ankit Raj, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Informant	:	Mr. Rajive Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 14.12.2023 passed by learned Additional District & Sessions Judge III cum Special Judge, SC/ST (POA) Act, Bhagalpur in ABP No. 3048 of 2023 arising out of Khalgaon P.S. Case No. 1202 of 2023, registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, on 17.10.2023 at about 9 PM, all the F.I.R. named accused persons including these appellants entered the house of informant and assaulted her and her family members by means of *lathi*, *danda*, iron rod, spade and stones. It is further alleged that the accused persons also abused informant and her family members by caste name, snatched gold chain and threatened to set the house on fire.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. No occurrence, as alleged, ever took place. As a matter of fact, appellant no. 1 is handicapped and he is a tuition teacher. From bare perusal of the F.I.R. it is apparent that grandson of the informant used to get tuition classes from appellant no. 1 and when he demanded the fees from informant, she became angry and lodged this false and concocted case against appellants. Appellant no. 2 is own brother of appellant no. 1. There is case and counter case. Father of the appellants also lodged a case bearing Khalgaon P. S. Case No. 1203 of 2023 on the same date against informant and others. Allegation of assault is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants.



Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge III cum Special Judge, SC/ST (POA) Act, Bhagalpur arising out of Khalgaon P.S. Case No. 1202 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 14.12.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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