

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.303 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- BHIMPUR District- Supaul

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1. Niranjana Mehta @ Niranjana Kumar Mehta Son Of Chandrakishor Mehta @ Chananand Mehta Resident Of Village- Kewla Police Station -Bhimpur, Distt- Supaul
 2. Vinay Mehta @ Vinay Kumar Mehta @ Binay Kumar Mehta Son Of Chandrakishor Mehta @ Chananand Mehta Resident Of Village- Kewla Police Station -Bhimpur, Distt- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Asha Devi Wife Of Nand Kishore Paswan Resident of village- Kewla ward no. 1 Police Station -Bhimpur, distt- supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumar Goutam, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the Informant	:	Ms. Rupa Kumari, 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 13.12.2023 passed by learned Additional Sessions Judge 1st cum Special Judge, Supaul in ABP No. 1607 of 2023 in connection with Bhimpur P.S. Case No. 94 of 2023, registered under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. Informant, namely, Asha Devi alleged that when her



husband went for nature's call, all the F.I.R. named accused persons, including these appellants, assaulted and abused him by caste name and when father-in-law of the informant tried to save her husband, he was also assaulted.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, present case is counter blast of Bhimpur P. S. Case No. 93 of 2023 which was lodged by one Lalan Paswan against informant and others and to save their skin from the said case, this false and concocted case has been lodged. Both parties are co-villagers and there is admitted land dispute between them. Allegation of assault is general and omnibus. Injuries allegedly caused by these appellants are simple in nature. 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, case and counter case 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 Sessions Judge 1st cum Special Judge, Supaul in ABP No. 1607 of 2023 in connection with Bhimpur P.S. Case No. 94 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 13.12.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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