

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.391 of 2024

Arising Out of PS. Case No.-515 Year-2023 Thana- RAFIGANJ District- Aurangabad

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1. Deepak Kumar @ Amresh Kumar Son Of Anandi Yadav Resident Of Village - Sihda, P.S. - Rafiganj, District - Aurangabad, Bihar
 2. Raushan Kumar Son Of Anandi Yadav Resident Of Village - Sihda, P.S. - Rafiganj, District - Aurangabad, Bihar
 3. Kaushal Kumar Son Of Anandi Yadav Resident Of Village - Sihda, P.S. - Rafiganj, District - Aurangabad, Bihar
 4. Rahul Kumar @ Chhotu Kumar Son Of Anandi Yadav Resident Of Village - Sihda, P.S. - Rafiganj, District - Aurangabad, Bihar
 5. Anandi Yadav Son Of Chamari Yadav Resident Of Village - Sihda, P.S. - Rafiganj, District - Aurangabad, Bihar

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shiv Shankar Das Son Of Mohan Das Resident Of Village - Sihda, P.S. - Rafiganj, District - Aurangabad, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 31-07-2025 Despite filing *Vakalatnama*, none appears on behalf of the respondent no.2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 15.12.2023 passed by learned Special Judge, SC/ST-cum- 1st Additional District & Sessions Judge, Aurangabad, Bihar in ABP No. 2356 of 2023 in connection with Rafiganj P.S. Case



No. 515 of 2023, registered under Sections 341, 323, 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.

4. It is alleged that when son of the informant was washing his motorcycle, all the F.I.R. named accused persons, including these appellants, came there, knocked his motorcycle, assaulted him and abused him by caste name.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence and due to village politics, entire family members of the appellants have been made accused in this case. Allegation of assault is general and omnibus. F.I.R. has been lodged after inordinate delay of two days which itself raises doubt over veracity of the prosecution case. There is no injury report on record to establish the allegation of assault. 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.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.



7. 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 Special Judge, SC/ST-cum- 1st Additional District & Sessions Judge, Aurangabad, Bihar in connection with Rafiganj P.S. Case No. 515 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 15.12.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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