

Arising Out of PS. Case No.-377 Year-2020 Thana- MASAUDHI District- Patna

Arising Out of PS. Case No.-377 Year-2020 Thana- MASAUDHI District- Patna

- Appellant/s

Versus

- ... Respondent/s

For the Appellant/s : Mr. Surendra Kumar Mishra, Advocate

For the Respondent/s : Mr. A.G

8 09-10-2025 Heard learned counsel for the parties. Despite
valid service of notice , nobody appears on behalf of respondent
No. 2.

2. This appeal has been filed for setting aside order dated 06.11.2020 passed in a case registered for the offence punishable under sections 341, 323, 307, 448, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely ,



Samjhariya devi alleged that on 27.05.2020 at about 08:30 PM, all the F.I.R. named accused persons including these appellants armed with iron rod, lathi, farsa, garasa came and started abusing informant by caste name . Upon protest, accused persons assaulted informant and her family members and also threatened with dire consequences.

4. It is submitted on behalf of appellants that the alleged occurrence arose due to dispute between the children of two families. Allegation levelled against these appellants is not specific rather general and omnibus in nature . F.I.R. has been lodged after the delay of 17 days for which there is no plausible explanation which itself creates doubt over the entire prosecution case . There is no injury report on record to substantiate the allegation of assault against these appellants. It is not the case of the informant that any member of public was present at the time of incident, and as such, no case under SC/ST Act is made out.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, 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 A.D.J.-X-Cum-Special Judge, SC/ST, Patna in connection with Masaurhi Police Station Case No. 377 of 2020.

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

