

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.255 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- BANDEYA District- Aurangabad

1. Nitish Kumar Son Of Arvind Singh @ Arvindra Singh @ Arvind Yadav Resident Of Village - Darar, Police Station - Bandeya, District - Aurangabad
2. Arun Yadav @ Arun Singh Son Of Suresh Yadav Resident Of Village - Darar, Police Station - Bandeya, District - Aurangabad
3. Meena Devi @ Mina Devi Wife Of Pramod Yadav Resident Of Village - Darar, Police Station - Bandeya, District - Aurangabad
4. Chandrakali Devi @ Chandravati Devi Wife Of Arvind Singh @ Arvindra Singh @ Arvind Yadav Resident Of Village - Darar, Police Station - Bandeya, District - Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Baby Devi Wife Of Sanjeet Paswan Resident Of Village - Darar, Police Station - Bandeya, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Informant	:	Mr. Purushotam Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 24.11.2023 passed by learned Special Judge, SC/ST -cum- 1st Additional District & Sessions Judge, Aurangabad in ABP No. 2158 of 2023 in connection with Bandeya P.S. Case No. 72 of 2023, registered under Sections 147, 148, 341, 323, 324, 307, 354A, 504, 506 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, Baby Devi alleged that on 08.11. 2023, co-accused Indrajeet Kumar assaulted her son during course of playing volleyball. On 09.11.2023, when informant went to the house of co-accused Indrajeet to complain, all the F.I.R. named accused persons, including these appellants, assaulted her by means of *lathi*, *danda* and fist. It is further alleged that the accused persons also abused her by caste name.

4. Learned counsel for the appellants submits that on the alleged date and time of occurrence, quarrel took place between children of both the parties in which simple altercation took place. Case and counter case. 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 Special Judge, SC/ST -cum- 1st Additional District & Sessions Judge, Aurangabad in ABP No. 2158 of 2023 in connection with Bandeya P.S. Case No. 72 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 24.11.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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