

Arising Out of PS. Case No.-77 Year-2024 Thana- MOHANPUR District- Samastipur

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Dina Nath Rai Son of Munna Rai Village -Sahpur Barahatt PS -Mohanpur
Distt -Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bisundeo Paswan @ Bishnudeo Paswan Son of Saryug Paswan Village -Sahpur kanth, PS -Mohanpur Distt -Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Choudhary Shyam Nandan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP
For respondent No. 2 : Mr. Deepak Kumar singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-03-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 21.11.2024 passed in a case registered for the offence punishable under sections 147, 149, 341 , 323 , 325 , 504 and 506 of the Indian Penal Code and sections 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on the alleged date and time of occurrence , informant had gone to attend call of nature , in the meantime , this appellant along with seven other co-accused persons assaulted and abused him by caste name .

4. It is submitted that quarrel took place between



both the parties due to land dispute . Injury allegedly caused by this appellant is simple in nature . It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned counsel for the informant and learned Special Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge , SC/St (POA) Act, samastipur in connection with Mohanpur Police Station Case No. 77 of 2024 .

(Prabhat Kumar Singh, J)

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