

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.343 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- MANSI District- Khagaria

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1. Dinesh Singh S/O Late Ratan Singh Residents of Village- Bangalia Labbasa, Ward No.6, P.S.- Mansi, District- Khagaria
 2. Kundan Singh Son of Dinesh Singh Residents of Village- Bangalia Labbasa, Ward No.6, P.S.- Mansi, District- Khagaria
 3. Pandav Kumar Son of Dinesh Singh Residents of Village- Bangalia Labbasa, Ward No.6, P.S.- Mansi, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohan Kumar Son of Rajo Rajak Resident of Village- Village- Bangalia Labbasa, Ward No.6, P.S.- Mansi, District- Khagaria

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Natraj Verma, Advocate
For the State	:	N o n e
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-07-2025 Heard learned counsel appearing for the appellants.

2. Despite filing *Vakalatnama*, no one appears on behalf of the informant/Respondent No. 2. Learned Special Public Prosecutor appearing on behalf of the State is also not present.

3. This appeal has been filed for setting aside order dated 12.12.2024 passed in a case registered for the offence punishable under Sections 115(2), 123(2), 303(2), 3(5), 351 and 352 of the B.N.S. and Sections 3(1)(r), 3(1)(s) and 3(1)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Mohan Kumar, alleged that on 14.11.2024 at about 5:30 AM, while he was going to ease himself, in the meantime, all the F.I.R. named accused persons, including these appellants, variously armed, came there and abused him by caste name and assaulted him and snatched his gold chain. It is further alleged that when sister-in-law of informant came out of the house to save him, she was also assaulted and abused.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, both parties are close door neighbours and due to petty dispute, this false and concocted case has been lodged. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Rest of the allegations are ornamental in order to make the case grave. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants.



6. Considering the facts and circumstances of the case and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 12.12.2024 passed by the learned Additional Sessions Judge 1st-cum-Special Judge, (SC/ST), Khagaria in connection with Special Anticipatory Bail Petition No. 81 of 2024 arising out of Mansi P.S. Case No. 274 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, 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 learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Khagaria in connection with Mansi P.S. Case No. 274 of 2024.

(Prabhat Kumar Singh, J)

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