

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.468 of 2024

Arising Out of PS. Case No.-749 Year-2022 Thana- GARKHA District- Saran

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1. Kunal Rai @ Kunal Kumar Rai Son of Late Mangru Rai R/o vill - Narayanpur, P.S. - Garkha, Distt. - Saran at Chapra
 2. Govind Kumar @ Govinda Rai S/o Late Mangru Rai R/o vill - Narayanpur, P.S. - Garkha, Distt. - Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Manjhi Son of Ram Kumar Manjhi R/o vill - Rahampur, P.S. - Garkha, Distt. - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Nawal Singh , Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 31-07-2025 Heard learned counsel appearing for the appellants and learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 06.11.2023 passed in a case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 380 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) 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 Krishna Manjhi, alleged that on 26.11.2022, due to old dispute, all the F.I.R. named accused persons, including these appellants, armed with lathi, bhala and danda, abused informant by caste name and assaulted him. It is further alleged that co-accused Manoj Rai assaulted on head of informant with *farsa*. It is further alleged that they also snatched gold jewellery and cash from house of informant and co-accused Rahul Kumar fired with his *desi katta*.

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, on the alleged date and time of occurrence, on account of long standing dispute between the parties, altercation took place in which both sides sustained injuries. There is case and counter-case between the parties. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. From bare perusal of the F.I.R. it is apparent that specific allegation of assault is against co-accused Manoj Rai and Rahul Kumar. 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. Appellants claim clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 06.11.2023 passed by the learned Exclusive Special Court, S.C./S.T., Saran at Chapra in connection with A.B.P. No. 4135 of 2023 arising out of Garkha P.S. Case No. 749 of 2022 is hereby set aside with respect to these appellants only.

8. 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 Exclusive Special Court, S.C./S.T., Saran at Chapra in connection with Garkha P.S. Case No. 749 of 2022.

(Prabhat Kumar Singh, J)

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