

Arising Out of PS. Case No.-255 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

- Appellant/s

1. THE STATE OF BIHAR
2. Maheshwar Paswan S/o Late Lali Paswan Resident of Village - Dih Kalna,
P.S.- Kusheshwar Asthan, District - Darbhanga.

... .. Respondent/s

For the Appellants	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Ashok Kumar, Advocate

4 10-07-2025 Heard learned counsel appearing for the appellants,
learned Spl.P.P. appearing on behalf of the State and learned



counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 13.11.2020 passed in a case registered for the offence punishable under Sections 147, 148, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 3(I)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. As per prosecution case, informant, namely Maheshwar Paswan, alleged that on 10.09.2020, all the F.I.R. named accused persons, including these appellants, armed with lathis and iron rods, abused him by caste slurs and assaulted him and his family members. It is further alleged that they also caused grievous injuries to the informant and others.

4. 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 co-villagers and due to petty dispute, a scuffle took place between the parties in which both sides sustained injuries. There is case and counter-case. 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.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have vehemently opposed this appeal.

6. 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 13.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (POA Act), Darbhanga in connection with A.B.P. No. 1520 of 2020 arising out of Kusheshwar Asthan P.S. Case No. 255 of 2020 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 1st Additional Session Judge-cum-Special Judge (POA Act), Darbhanga in connection with Kusheshwar Asthan P.S.



Case No. 255 of 2020.

(Prabhat Kumar Singh, J)

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