

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.448 of 2024**

Arising Out of PS. Case No.-335 Year-2023 Thana- ADAPUR District- East Champaran

1. Ramashankar Patel @ Ramashankar Kumar S/O Ramdeo Patel Village- Shyampur, Runiya Tola Bazar, Ps. Adapur, Dist. East Champaran.
2. Awadhesh Patel @ Awadhesh Kumar S/O Ramdeo Patel Village- Shyampur, Runiya Tola Bazar, Ps. Adapur, Dist. East Champaran.
3. Mahesh Patel @ Mahesh Kumar S/O Ramdeo Patel Village- Shyampur, Runiya Tola Bazar, Ps. Adapur, Dist. East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kumari Rekha Shyam D/O Lalan Kumar Das Village- Shyampur Bazar, Asptal Tola, Ward No. 09, Ps. Adapur, Dist. East Champaran.

... .. Respondent/s

**Appearance :**

|                      |   |                                                         |
|----------------------|---|---------------------------------------------------------|
| For the Appellant/s  | : | Mr.Abhishek Kumar, Adv.                                 |
| For the Respondent/s | : | Ms.Usha Kumari 1, Spl.PP<br>Mr. Baidyanath Thakur, Adv. |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      06-02-2025                      Heard learned counsel for the appellants, learned Special P.P. for of the State and learned counsel appearing on behalf of respondent no. 2.

2. This appeal has been filed against the order dated 08.01.2024 passed by learned Special Judge, SC/ST Act, Motihari in a case registered under Sections 147, 341, 323, 324, 354(B), 379, 504 of the Indian Penal Code and Sections 3(i)(r) (s)/w(i)/3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellant has been rejected.



3. As per prosecution case, all the F.I.R. named accused persons including appellants assaulted informant and her son and also abused them by caste name.

4. Learned counsel for the appellant submits that both parties are co-villagers and due to dispute regarding pathway, a quarrel took place between them and taking advantage of this situation, this false and concocted case has been lodged. There is case and counter case. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel appearing on behalf of Respondent no. 2 opposed the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 08.01.2024 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellants, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released 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 Special Judge, SC/ST Act, East



Champaran at Motihari in connection with Adapur P.S. Case No.  
335 of 2023.

(Prabhat Kumar Singh, J)

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