

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.450 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. Rakesh Pandit S/o- Bhuli Pandit Village- Husseni Dhath Ps- Dumariya Ghat Dist- East Champaran
 2. Rohan Thakur @ Rohan Kumar son of Manoj Thakur Village- Husseni Dhath Ps- Dumariya Ghat Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Birendra Paswan son of Late Satya Narayan Paswan Village- Kaswa Tola Husseni Ps- Dumariya Ghat Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhurendra Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For R.P. No. 2	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-01-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 30.11.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with A.B.P. No. 5405 of 2023 arising out of Dumariya Ghat P.S. Case No. 67 of 2023, registered under Sections 341, 323, 324, 447, 504/34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(v)(c) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 2.3.2023 at about 5 PM,



these appellants came at the doorstep of informant and asked to do the work of levelling of soil and upon refusal, they abused informant by caste name and assaulted him by means of iron rod.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in this case. Present case is counter blast of Dumariya Ghat P. S. Case No. 36 of 2023 which was lodged by the wife of appellant No. 1 with the allegation of commission of rape against cousin brother of the informant. Injuries allegedly caused by the appellants are simple in nature. It is not the case of the informant that the alleged incident occurred within public view as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent No. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, East Champaran, Motihari in



connection with A.B.P. No. 5405 of 2023 arising out of
Dumariya Ghat P.S. Case No. 67 of 2023.

7. Accordingly, this criminal appeal is allowed and
impugned order dated 30.11.2023 is set aside with respect to
these appellants only.

(Prabhat Kumar Singh, J)

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