

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.556 of 2024

Arising Out of PS. Case No.-4 Year-2020 Thana- SC/ST District- Gaya

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1. MRITUNJAY SINGH @ MRITUNJAY KUMAR @ FUTUSH SINGH @ MIRTUNJAY SINGH @ MIRTUNJAY KUMAR S/O LATE RAM LAKHAN SINGH R/O VILLAGE- AYAR, P.S- ATRI, DISTT.- GAYA.
 2. PINTU SINGH @ KARANT SINGH S/O LATE RAM LAKHAN SINGH R/O VILLAGE- AYAR, P.S- ATRI, DISTT.- GAYA.
 3. AJAY SINGH S/O LATE RAM LAKHAN SINGH R/O VILLAGE- AYAR, P.S- ATRI, DISTT.- GAYA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUMAN PASWAN S/O BRIJNANDAN PASWAN R/O VILLAGE- THAM PATHRI, P.S- ATRI, DISTT.- GAYA.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Sadanand Paswan, 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 18.12.2023 passed in a case registered for the offence
punishable under Sections 323, 324, 341, 504 and 34 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, on the alleged date and time of occurrence, these appellants, in an inebriated condition, abused informant by caste name and assaulted him by means of *lathi*.

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, it was the prosecution side who assaulted appellants and others for which Atri P.S. Case No. 427 of 2019 was lodged on 01.10.2019 by Appellant No. 1 against informant and others and in retaliation, after lapse of more than 1 month and 15 days, this false and concocted complaint case has been lodged only with a view to save their skin from the aforesaid case. There are general and omnibus allegations of assault. 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. 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 and case and counter-case between the parties, this appeal is allowed and the impugned order dated 08.12.2023 passed by the learned Exclusive Special Judge, S.C./S.T., Special Court, Gaya in connection with A.B.P. No. 410 of 2023 arising out of SC/ST P.S. Case No. 4 of 2020 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 Judge, S.C./S.T., Special Court, Gaya in connection with SC/ST P.S. Case No. 4 of 2020.

(Prabhat Kumar Singh, J)

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