

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.580 of 2023

Arising Out of PS. Case No.-372 Year-2015 Thana- WAJIRGANJ District- Gaya

-
-
- 1 . ANUJ SINGH Son of Late Parasnath Singh Resident of village - Ghurha, Police Station - Wazirganj, District - Gaya.
 2. Mithlesh Singh Son of Late Parasnath Singh Resident of village - Ghurha, Police Station - Wazirganj, District - Gaya.
 - 3 . Chhote Singh @ Amarnath Singh Son of Late Parasnath Singh Resident of village - Ghurha, Police Station - Wazirganj, District - Gaya.
 4. Vikash Singh @ Vikash Kumar Singh Son of Kamlesh Singh Resident of village - Ghurha, Police Station - Wazirganj, District - Gaya.
 - 5 . Vikrant Singh Son of Kamlesh Singh Resident of village - Ghurha, Police Station - Wazirganj, District - Gaya.
 6. Neeraj Singh @ Niraj Kumar Son of Uday Singh Resident of village - Ghurha, Police Station - Wazirganj, District - Gaya.

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Prabhu Choudhary Son of Late Suraj Choudhary Resident of village - Ghurha, Police Station - Wazirganj, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2 , Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 03-04-2025 Heard learned counsel for the parties. Despite filing vakalatnama , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 15.12.2022 , passed in a case registered for the offence punishable under sections 341, 323, 504 and 379 of the Indian Penal Code and sections 3(i)(r) (x) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case, in brief is that on the alleged date and time of occurrence, when informant was irrigating his field, in the meantime all the appellants named in the F.I.R., came there and abused informant by caste name and also assaulted informant with khanti and snatched cash of Rs. 530/- , hand-watch and mobile from informant.

4. It is submitted that on the dispute of irrigation of land, scuffle took place between the parties. Allegation of assault is general and omnibus against these appellants. Injury allegedly caused by appellant is simple in nature . It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

5 . Learned special Public Prosecutor for the state oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Exclusive Special Judge, SC/St, Gaya in connection with Wazirganj Police Station Case No. 372 of 2015 .

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

