

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.446 of 2025

Arising Out of PS. Case No.-340 Year-2024 Thana- HASPURA District- Aurangabad

1. Sukesh Kumar S/o- Ramrup Singh @ Ramrup Yadav Village- Mathiya Ps- Haspoura Dist- Aurangabad
2. Umesh Kumar S/o- Ramrup Singh @ Ramrup Yadav Village- Mathiya Ps- Haspoura Dist- Aurangabad
3. Mukesh Kumar S/o- Ramrup Singh @ Ramrup Yadav Village- Mathiya Ps- Haspoura Dist- Aurangabad
4. Ramrup Singh @ Ramrup Yadav S/o- Late Shivdahin Yadav Village- Mathiya Ps- Haspoura Dist- Aurangabad
5. Raviranjana Kumar S/o- Vijendra Yadav @ Vijendra Singh Village- Mathiya Ps- Haspoura Dist- Aurangabad
6. Rajaram Singh @ Rajaram Yadav S/o- Late Subedar Yadav Village- Mathiya Ps- Haspoura Dist- Aurangabad
7. Sonu Kumar S/o- Rajaram Singh @ Rajaram Yadav Village- Mathiya Ps- Haspoura Dist- Aurangabad
8. Lavkesh Kumar S/o- Rajaram Singh @ Rajaram Yadav Village- Mathiya Ps- Haspoura Dist- Aurangabad
9. Premchandra Kumar S/o- Late Jagdish Singh Village- Mathiya Ps- Haspoura Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhananjay Paswan S/o- Siyaram Paswan Village- Mathiya Ps- Haspoura Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Chandra Bhaskar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-03-2025 Despite filing *Vakalatnama*, none appears on behalf
of the respondent No. 2.

2. Heard learned counsel for the appellants and
learned Spl. Public Prosecutor.



3. This appeal has been filed against the order dated 18.12.2024 passed by learned Special Judge (SC/ST) cum 1st Additional Sessions Judge, Aurangabad in connection with A.B.P. No. 2719 of 2024 arising out of Haspura P.S. Case No. 340 of 2024, registered under Sections 126(2), 115(2), 109(1), 303(2), 117(2), 324(4), 352, 74, 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(i)(r), 3(i)(s), 3(2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on 10.11.2024 at about 8 AM, appellant No. 6 was removing pillar from the land of informant and upon protest, he abused and assaulted informant. It is further alleged that thereafter, all the F.I.R. named accused persons including these appellants assaulted informant and his family members by means of *lathi*, *gadasa*, *danda* and abused them by caste name. Further allegation is that they also snatched gold earrings worth Rs. 35,000/- from the neck of the wife of informant.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that both parties are co-villagers and due to land dispute



an altercation took place in which both sides sustained injuries. Case and counter case. Present case is counter blast of Haspura P. S. Case No. 341 of 2024 which was filed by the appellants' side against informant and others. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellants. Moreover, it is not the case of the informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against them. Rest of the allegations are ornamental only to make the case grave. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the nature of accusation and clean antecedent, 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) cum 1st Additional Sessions Judge, Aurangabad in connection with Haspura P.S. Case No. 340 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 18.12.2024 is set aside with respect to



these appellants only.

(Prabhat Kumar Singh, J)

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