

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.562 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- KARANDAY District- Sheikhpura

1. TUNTUN YADAV @ TUNNA YADAV S/O BHAGIRATH YADAV @ DULLU YADAV R/O VILLAGE- BIKHANI, P.S- KARANDEY , DISTT.- SHEIKHPURA.
2. KAMLESH YADAV S/O GARIBAN YADAV R/O VILLAGE- BIKHANI, P.S- KARANDEY , DISTT.- SHEIKHPURA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PANKAJ KUMAR S/O KRISHNANDAN PASWAN R/O VILLAGE- LAHANA, P.S- KARANDEY, DISTT.- SHEIKHPURA.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Pankaj Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 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 07.11.2023 passed in a case registered for the offence
punishable under Sections 147, 149, 341, 323, 504, 506, 379
and 307 of the Indian Penal Code and Sections 3(i)(r) 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. The prosecution case, in brief, is that on 25.09.2023 at about 3 PM, when the informant was going to his village from Chewara market with one Mathura Mahto and Brajesh Mahto and reached near Bikhni Morh, all the accused persons named in the F.I.R., including these appellants, were sitting there and started abusing them by caste name and on objection, assaulted them with fist, lathi, danda and iron rod and took out Rs. 11,000/- from the pocket of informant.

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, on the alleged date and time of occurrence, a simple *maar-peet* took place between the parties over a petty dispute in which both sides sustained injuries. There is case and counter-case between the parties. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Injuries allegedly caused by these appellants are simple in nature. 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. Appellants claim clean antecedents.

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, case and counter-case between the parties, nature of injuries sustained by the injured and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 07.11.2023 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge SC/ST Act, Sheikhpura in connection with A.B.P. No. 998 of 2023 arising out of Karandey P.S. Case No. 94 of 2023 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 1st Additional District and Sessions Judge-cum-Special



Judge SC/ST Act, Sheikhpura in connection with Karandey P.S.
Case No. 94 of 2023.

(Prabhat Kumar Singh, J)

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