

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.846 of 2024

Arising Out of PS. Case No.-619 Year-2023 Thana- FATEHPUR District- Gaya

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1. Rajo Rajbanshi @ Rajendra Rajbanshi son of Sita Rajbanshi Village- Mahugain Rasalpur Po- Tarwan Ps- Fatehpur Dist- Gaya
 2. Shiv Balak Rajbanshi son of Ramvilas Rajvanshi Village- Mahugain Rasalpur Po- Tarwan Ps- Fatehpur Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Chaudhary Son of Shri Arjun Chaudhary Village- Meharpur Ps- Fatehpur Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ramakant Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Shailesh Kr., Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 03-04-2025 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 04.01.2024 passed in a case registered for the offence punishable under Sections 147, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on 17.08.2023 at about 8 PM, while the informant along with others was returning home in the meantime, all the F.I.R. named



accused persons, including these appellants, came there and abused informant by caste name. It is further alleged that co-accused Arjun Kumar and Santosh Rajbanshi assaulted on head of Babulal Chaudhary and Arjun Chaudhary by means of sword. Co-accused Sasntosh Rajbanshi and Gautam Rajbanshi assaulted Lalan Chaudhary and Chhotu Chaudhary by means of iron rod and co-accused Chandan Rajbanshi snatched Rs. 60,000/- cash from informant and gold locket from Chhotu Chaudhary.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assault is against other co-accused persons and there is no specific accusation of overt act against these appellants. Appellants are only alleged to be present at the place of occurrence and abused informant by caste name. 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 Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Special P.P. for the State



and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 04.01.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Special Court, Gaya in connection with A.B.P. No. 437 of 2023 arising out of Fatehpur P.S. Case No. 619 of 2023 is hereby set aside with respect to these appellants only.

7. 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 the learned Exclusive Special Judge, SC/ST Act, Special Court, Gaya in connection with A.B.P. No. 437 of 2023 arising out of Fatehpur P.S. Case No. 619 of 2023.

(Prabhat Kumar Singh, J)

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