

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.645 of 2025

Arising Out of PS. Case No.-685 Year-2024 Thana- BIDUPUR District- Vaishali

1. Pinki Kumari D/O- Ram Deni Singh R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)
2. Deoshankar Kumar @ Devshankar Kumar Son of Ram Deni Singh R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)
3. Jitendra Singh Son of Rameshwar Singh R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)
4. Priti Kumari D/O- Ram Deni Singh R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)
5. Ankit Kumar Son of Ram Deni Singh R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)
6. Janki Devi Wife of Ram Deni Singh R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)
7. shivshankar Kumar son of Ram Deni Singh R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)
8. Runa Devi @ Rinku Devi Wife of Jitendra Singh R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Babloo Kumar Son of Bijendra Paswan R/o Vill- Balatanr (Balatand), P.S.- Bidupur, District - Vaishali (Bihar)

... .. Respondent/s

Appearance :

For the Appellants : Mr. Vinay Kumar Mishra, Advocate
For the State : Mr. Sadanand Paswan, APP
For the Informant : Mr. Ranjit Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-09-2025 Heard learned counsel appearing for the appellants,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order



dated 23.12.2024 passed in a case registered for the offence punishable under Sections 127(1), 115(2), 303(2), 352 and 3(5) of the B.N.S. and Sections 3(1)(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.

3. The prosecution case, in brief, is that dispute arose between the parties over throwing of garbage, which led to scuffle between the parties in which it is alleged that all the F.I.R. named accused persons, including these appellants, assaulted informant and his wife by means of *lathi* and also abused by caste name. It is further alleged that they also snatched *Hanumani* locket from the neck of informant.

4. 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 account of petty dispute between the parties, scuffle took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. 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.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 23.12.2024 passed by the learned Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with A.B.P. No. 3027 of 2024 arising out of Bidupur P.S. Case No. 685 of 2024 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 learned Exclusive Special Judge, SC/ST Act-cum-Additional



District and Sessions Judge, Vaishali at Hajipur in connection
with Bidupur P.S. Case No. 685 of 2024.

(Prabhat Kumar Singh, J)

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