

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1030 of 2024

Arising Out of PS. Case No.-665 Year-2023 Thana- WAZIRGANJ District- Gaya

-
1. ARVIND PRASAD @ ARVIND YADAV @ ARVIND KUMAR SON OF LATE YAMUNA YADAV RESIDENT OF VILLAGE - CHAKSEW, P.S. - WAZIRGANJ, DISTRICT - GAYA
 2. SHAILESH KUMAR SON OF ARVIND PRASAD @ ARVIND YADAV @ ARVIND KUMAR RESIDENT OF VILLAGE - CHAKSEW, P.S. - WAZIRGANJ, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. REKHA DEVI WIFE OF MITHILESH PASWAN RESIDENT OF VILLAGE - CHAKSEW, P.S. - WAZIRGANJ, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ujjawal Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For informant	:	Mr. Arvind Kumar Sinha, Advocate
		Mr. Pankaj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-09-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 08-01-2024 passed in a case registered for the offence punishable under sections 323, 341, 342, 504, 506, 34 of the Indian Penal Code and sections 3(i)(r)(s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant *Rekha Devi* alleged that on 25-10-2023 at about 04:00 PM, son of informant namely *Rajeev Kumar @ Golu Kumar* was playing



cricket in the field along with other children and during course of playing cricket, an altercation took place between the children upon which , all the accused persons came to house of informant and abused son of informant by caste name and also brutally assaulted him. It is further alleged that when informant and her daughter went to rescue him, then accused persons also assaulted them.

4. It is submitted that appellants are innocent and have committed no offence as alleged. As a matter fact, due to quarrel between children of both the parties an altercation took place between them. Case and counter case . The instant case is an after thought and the same would be apparent from this fact that the alleged occurrence took place on 25.10.2023 but the F.I.R. was lodged on 03.11.2023 i. e ., after delay of 8 days for which there is no plausible explanation which itself falsifies the entire allegation levelled against these appellants. Allegation of assault is general and omnibus against these appellants. It is not the case of informant that any member of public was present at the time of incident and as such , no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned special Public Prosecutor for the State as well as learned counsel for the respondent No. 2 opposed 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 Special Court,, Gaya in connection with Wazirganj Police Station Case No. 665 of 2023 .

(Prabhat Kumar Singh, J)

Koushik/-

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

