

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.980 of 2024

Arising Out of PS. Case No.-525 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

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1. Rajesh Singh son of Late Suresh singh Village- Gangaili Ps- K. Nagar Maranga Dist- Purnea
 2. Suman Singh son of Late Suresh Singh Village- Gangaili Ps- K. Nagar Maranga Dist- Purnea
 3. Prem Lal Yadav son of Late Shiv Nandan Yadav Village- Magheli Jarlahi Karhagola Ps- Kursela Dist- Katihar at Present - Gurmila Ps- Barari Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Kumar son of Naresh Paswan R/o- Lohapul Gangaili w.No-10, Ps- K. Nagar Maranga Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Rounak Kumar Singh Pankaj, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-01-2025 Despite valid service of notice, no one appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and learned Spl. Public Prosecutor appearing on behalf of the State.

3. This appeal has been filed against the order dated 20.01.2024 passed by learned Special Judge, SC/ST Act, Purnea in connection with A.B.P. No. 152 of 2023/CIS No. 152 of 2023, arising out of K. Nagar (Maranga) P.S. Case No. 525 of 2023, registered under Sections 341, 342, 323, 307, 364, 34,



120-B of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2) (v) 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 the alleged date and time of occurrence, while informant was going to Sisia Mela in the meantime, all the FIR named accused persons including these appellants armed with small gun assaulted informant and abused him with caste name. It is further alleged that the accused persons also threatened informant.

5. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case on account of dirty village politics and at the instances of persons inimical to the appellants and their family members. As per FIR, it is alleged that the accused persons were armed with small gun but they did not use the same which itself shows that there was no intention to kill. From perusal of the injury report, it appears that injured sustained simple injury. Informant in his statement recorded under Section 164 Cr.P.C. has not alleged that he was abused by caste name. It is not the case of the prosecution that any member of public was present at the place of occurrence, as such, no offence under SC/ST Act



is made out. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposes the bail application.

7. Considering the aforesaid facts, 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 learned Special Judge, SC/ST Act, Purnea, in connection with A.B.P. No. 152 of 2023/CIS No. 152 of 2023, arising out of K. Nagar (Maranga) P.S. Case No. 525 of 2023.

8. Accordingly, the impugned order dated 20.01.2024 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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