

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1005 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- ATRI District- Gaya

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1. Pawan Singh Son of Late Ram Singh R/o- Pandey Bigha, P.S.- Atri in the district of Gaya
 2. Gulshan Kumar Son of Ashok Singh R/o- Pandey Bigha, P.S.- Atri in the district of Gaya
 3. Sanjay Singh Son of Uday Singh R/o- Pandey Bigha, P.S.- Atri in the district of Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Baliram Kumar Son of Meghan Manjhi R/o vill- Rewa, P.S.-Atari Dist - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar, Advocate

For the Respondent/s : Ms.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 08-04-2025 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order dated 01.07.2022, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in A.B.P. No. 152 of 2022, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Atri Police Station Case No. 34 of 2022 registered for the offences punishable under Sections 147/ 149/ 341/ 323/ 324/



325/307/504/506 of the Indian Penal Code and Sections 3 (i) (r)(s), 3(ii)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 04.02.2022, the informant was sitting with his friend and was watching the mobile in Reula Hat. In the meantime, the appellants along with other accused persons named in the First Information Report, armed with weapons, arrived there and started abusing the informant. It has further been alleged that co-accused Kanhaiya Kumar gave a sword blow on the head of informant's friend and also assaulted the informant, as a result of which, both sustained injuries; the informant sustained injury on his right hand. It is also alleged that when Shravan Kumar and Ravi Kumar tried to pacify the matter, the appellant and other accused persons also assaulted them.

4. Learned Counsel appearing on behalf of the appellants submits that both parties are co-villagers and on the same day i.e. on 04.02.2022, the informant's friend Lavkush Kumar and other accused persons assaulted co-accused Gulshan Kumar and Kanhaiya Kumar with farsa on their heads, due to which, they were admitted in J.P.N. Hospital, Gaya. The



fardbeyan of Kanhaiya Kumar was recorded on 05.02.2022 in the hospital by the Police Officer and the F.I.R. was registered bearing Atri P.S. Case No. 40 of 2022. He further submits that informant was aggressor and he along with others assaulted Kanhaiya Kumar, who is co-accused in this case and thereafter, lodged the F.I.R. in order to save their skin. He also submits that there is no specific allegation of assault against the appellants and injuries sustained by the informant side have not been brought on record by the prosecution.

5. No one appears for respondent no. 2, however learned counsel for the State opposed the prayer for bail.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation levelled against the appellants and the facts that both parties are co-villagers, case and counter case is there and injury report has not been brought on record by the prosecution, I am inclined to grant anticipatory bail to the appellant.

7. Accordingly, this appeal is allowed and the order dated 01.07.2022, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in A.B.P. No. 152 of 2022, is set aside.

8. Let the appellants, above named, be released 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 (POA) Act, Gaya in
A.B.P. No. 152 of 2022, arising out of Atri Police Station Case
No. 34 of 2022.

(Anil Kumar Sinha, J)

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