

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1167 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- RAFIGANJ District- Aurangabad

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1. Shanti Devi @ Chandani Devi Wife Of Yogendra Kumar Resident Of Village - Labhari, P.S. - Rafiganj, District - Aurangabad (BIHAR)
 2. Brijendra Kumar @ Brajendra Kuma Singh @ Bijendra Kumar Son Of Awadh Kishor Singh Resident Of Village - Labhari, P.S. - Rafiganj, District - Aurangabad (BIHAR)
 3. Shankar Yadav @ Shankar Deyal Yadav Son Of Late Chhedi Yadav Resident Of Village - Labhari, P.S. - Rafiganj, District - Aurangabad (BIHAR)

... .. Appellant/s

Versus

1. The State Of Bihar
2. Arun Kumar Son Of Late Ramchandra Ram Resident Of Village - Labhari, P.S. - Rafiganj, District - Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjit Kumar, Adv.
For the State	:	Mr.Sadanand Paswan,Spl.P.P
For Respondent – 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellants and learned Special P.P. for of the State. Despite filing *Vakalatnama*, nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated 06.02.2024 passed by learned A.D.J. 1st cum Special Judge, SC/ST Act, Aurangabad in a case registered under Sections 341, 323, 379, 504, 34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per F.I.R., on 04.01.2024, while the informant was on way to bring generator-set from the house of one Ramkrit Yadav, these appellants alongwith other accused persons surrounded him, abused by caste name and assaulted informant and other family member.

4. Learned counsel for the appellants submits that due to dispute between the parties over generator, a simple *Maarpeet* took place between them and taking advantage of the situation, this false and concocted case has been lodged by the informant. Present case is counter blast of Rafiganj P.S. Case No. 06 of 2024, lodged by appellant no. 1 against brother of informant and other family members. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State opposed the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 06.02.2024, so far as aforesaid appellants are concerned, is, hereby, set aside and this criminal appeal is disposed of.

7. Let the appellants, as named above, in the event of



arrest or surrender within a period of eight weeks from today, 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 Special Judge, SC/ST Act-cum-1st A.D.J., Aurangabad in connection with Rafiganj P.S. Case No. 05 of 2024.

(Prabhat Kumar Singh, J)

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