

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1018 of 2025

Arising Out of PS. Case No.-571 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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- 1 . Rajnish Singh @ Rajnish Kumar S/o- Sunil Singh @ Sunil Kunwar Village-
Gajpura Ps- Muffasil Dist- East Champaran
 2. Sujit Singh @ Sujit Kumar S/o- Chandeshwar Kunwar @ Chandeshwar
Singh Village- Gajpura Ps- Muffasil Dist- East Champaran
 - 3 . Ajit Singh @ Ajit Kumar Singh S/o- Chandeshwar Kunwar @ Chandeshwar
Singh Village- Gajpura Ps- Muffasil Dist- East Champaran
 4. Sudhir Singh @ Sudhir Kumar Singh S/o- Binda Kunwar @ Binda Singh
Village- Gajpura Ps- Muffasil Dist- East Champaran

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Shivkumar Paswan S/o- Late Indradev Paswan Village- Gajpura Ps-
Muffasil Motihari Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-03-2025

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 29.01.2025 passed in a case registered for the offence punishable under sections 191(2), 190, 126 (2), 329 (4), 115 (2), 118(1) , 76, 303 (2), 352 , 351 (2) of the bharatiya Nyaya sanhita and sections 3(i)(r)(s), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , informant namely, shiv Kumar Paswan alleged that on 16.11.2024 at about 1:30 O’Clock , while he was going to motihari, in the meantime , these appellants along with other co-accused persons intercepted informant and snatched keys, and abused him by caste name and dragged him out of the house and also assaulted him. It is further alleged that on 17.11.2024 at about 7:30 AM, all the F.I.R., named accused persons along with 5 – 7 unknown persons came to the house of informant abused him by caste name and assaulted him.

4. It is submitted that allegation of assault is general and omnibus against the appellant and no specific overt act has been alleged against him. Though there is allegation of assault but there is no injury report on record. It is the case of the informant that any member of the public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned counsel for the respondent No. 2 and learned special public prosecutor for the state 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 Special Judge , SC/St, East Champaran Motihari in connection with A B P No. 243 of 2025 arising out of Muffasil Police Station Case No. 571 of 2024 .

(Prabhat Kumar Singh, J)

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