

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1271 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- RAFIGANJ District- Aurangabad

-
1. Lallu Paswan @ Lalu Paswan @ Satish Kumar SON OF CHANDRADEEP PASWAN RESIDENT OF VILLAGE- NIMA VAJIT, PS- RAFIGANJ, DISTT- AURANGABAD
 2. Mahendra Paswan SON OF AKSHAY PASWAN RESIDENT OF VILLAGE- NIMA VAJIT, PS- RAFIGANJ, DISTT- AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohini Kumari SON OF LATE JANESHWAR RAM RESIDENT OF VILLAGE- NIMA VAJIT, PS- RAFIGANJ, DISTT- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aman Vishal , Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-12-2025 Heard learned counsel for the parties. Despite valid service of notice, nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 15.02.2024 passed in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r) 3 (1) (s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 27 of Arms Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . The prosecution case, in brief, is that on 07.11.2023 at around 12:00 noon, all the five named accused persons, including these appellants along with 20–30 unidentified individuals, unlawfully assembled and trespassed upon the plot of land owned and possessed by the informant with the intention of forcibly taking over its possession. When the informant raised objection to such illegal act, she and others were allegedly assaulted by the accused persons. During the course of the assault, co-accused Raj Kumar Sao is alleged to have forcefully slammed one Hiramani Devi onto the ground and also abused by caste name, in the meantime, co-accused persons Amresh Paswan and Ankit Paswan assaulted by means of iron rod upon Hiramani Devi due to which she sustained injuries. Thereafter, co-accused Shailesh Paswan took away gold ornaments from informant.

4. It is submitted that there is no specific allegation of assault is against these appellants. Specific allegation of assault is against other co-accused persons. Allegation is general and omnibus against these appellants. These appellants also belongs to Schedule Castes and as such, no offence under section SC / ST Act is made out. Appellants claim clean antecedent.

5 . Learned special Public Prosecutor for the State



opposed the bail appeal.

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 , Aurangabad in connection with Rafiganj Police Station Case No. 487 of 2023 .

(Prabhat Kumar Singh, J)

Koushik/-

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

