

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1564 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- SC/ST District- Gopalganj

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1. Lalbabu Singh Son of Kailash Singh Kushwaha Resident of Magahiya Tola, Vishambhar Pur, P.S. Kateya, District- Gopalganj (Bihar)
 2. Bachcha Singh @ Bachcha Babu Singh Son of Kailash Singh Kushwaha Resident of Magahiya Tola, Vishambhar Pur, P.S. Kateya, District- Gopalganj (Bihar)
 3. Chhota Babu Singh Son of Kilash Singh Kushwaha Resident of Magahiya Tola, Vishambhar Pur, P.S. Kateya, District- Gopalganj (Bihar)
 4. Devanti Devi Wife of Kailash Singh Kushwaha Resident of Magahiya Tola, Vishambhar Pur, P.S. Kateya, District- Gopalganj (Bihar)
 5. Kailash Singh Kushwaha Son of Kishori Singh Resident of Magahiya Tola, Vishambhar Pur, P.S. Kateya, District- Gopalganj (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyama Devi Wife of Brijhan Manjhi Resident of Magahiya Tola, Bishunpur, P.O.- Kalyanpur, P.S.- Kateya, District- Gopalganj (Bihar)

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Shovendra Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Lokesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-08-2025 Heard learned counsel appearing for the appellants, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 22.02.2024 passed in a case registered for the offence punishable under Sections 341, 323, 324, 307, 354B, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on 30.01.2024 at about 6 PM, all these appellants, variously armed, forcibly entered into house of informant, abused by caste name and assaulted informant and her family members. It is alleged that the reason behind the occurrence is quarrel which took place between the children of both the families.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, on the alleged date and time of occurrence, quarrel between children of the two families led to simple *maar-peet* in which both sides sustained injuries. There is case and counter-case. Allegation of assault is general and omnibus and there is no injury report on record to substantiate the allegations levelled in the F.I.R.. It is further submitted that the present F.I.R. has been lodged after inordinate delay of 11 days and there is no plausible explanation for the same. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no



case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties, delay in lodging of the F.I.R. and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 22.02.2024 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge (S.C./S.T. Act), Gopalganj in connection with A.B.P. No. 507 of 2024 arising out of Gopalganj SC/ST P.S. Case No. 08 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, 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 learned Additional Sessions Judge-XI-cum-Exclusive Special



Judge (S.C./S.T. Act), Gopalganj in connection with Gopalganj
SC/ST P.S. Case No. 08 of 2024.

(Prabhat Kumar Singh, J)

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