

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1630 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- GARKHA District- Saran

1. Sharda Devi Wife of Umesh Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
2. Yashwant Sharma Son of Sahdeo Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
3. Dhiraj Sharma Son of Umesh Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
4. Balwant Sharma Son of Sahdeo Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
5. Dharmendra Sharma Son of late Krishna Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
6. Sahdeo Sharma Son of late Nagina Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
7. Randhir Sharma Son of Umesh Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
8. Sangeeta Devi Wife of Shamnath Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
9. Shyam Sharma Son of Laxuman Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran
10. Poonam Devi Wife of Sahdeo Sharma Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Ram Son of late Mangal Ram Resident of vill.-Rashidpur, P.S.-Garkha, Distt.-Saran

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Gajendra Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Mukesh Kumar Suman, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-08-2025 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 13.03.2024 passed in a case registered for the offence punishable under Sections 147, 341, 323, 427 and 504 of the Indian Penal Code and Sections 3(i)(r)(s)(w) and 3(2)(va) 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 25.02.2024 at about 10 AM, all the F.I.R. named accused persons, including these appellants, abused informant by caste name and assaulted with *lathi* and *danda* due to which he sustained injuries on his right hand.

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, dispute arose between the parties over petty dispute which led to *maar-peet* in which both sides sustained injuries. There is case and counter-case. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. 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 and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 13.03.2024 passed by the learned Exclusive Special Judge SC/ST, Saran at Chapra in connection with A.B.P. No. 789 of 2024 arising out of Garkha P.S. Case No. 98 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 Exclusive Special Judge SC/ST, Saran at Chapra in
connection with Garkha P.S. Case No. 98 of 2024.

(Prabhat Kumar Singh, J)

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