

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1686 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- SC/ST District- Madhepura

-
1. Duro Devi @ Duriya Devi Wife of Ram Narayan Chaudhary Resident of Village- Gidha, Ward No. 2, P.S.- Singheshwar, District- Madhepura
 2. Arhulea Devi @ Aruhalea Devi @ Arhul Devi Wife of Shiv Narayan Chaudhary Resident of Village- Gidha, Ward No. 2, P.S.- Singheshwar, District- Madhepura
 3. Shiv Narayan Chaudhary Son of Late Kusumlal Chaudhary Resident of Village- Gidha, Ward No. 2, P.S.- Singheshwar, District- Madhepura
 4. Shankar Chaudhary @ Shankar Kumar S/o- Shiv Narayan Chaudhary Resident of Village- Gidha, Ward No. 2, P.S.- Singheshwar, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Akaliya Devi Wife of Late Badhan Sardar Resident of Village- Gidha, Ward No. 2, P.S.- Singheshwar, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Dr. Sanjay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor Mr. Pawan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-08-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 13.02.2024 passed by learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Madhepura in A.B.P. No. 209 of 2024 in connection with SC/ST Madhepura P.S. Case No. 31 of 2023, registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(1)(s)(w) and 3(2)(va) of Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 28.11.2023 at about 04:30 pm, when informant was cultivating her field situated near the land of F.I.R. named accused persons including these appellants, in the meanwhile, the accused persons reached there, assaulted informant and abused her by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that as a matter of fact, on the alleged date and time of occurrence, informant and others were trying to grab the land of the appellants forcibly which was objected by the appellants, as a result of which, *maar-peet* took place between the parties in which both sides sustained injuries. Case and counter case. Allegation of assault is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation and clean



antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Madhepura in A.B.P. No. 209 of 2024 in connection with SC/ST Madhepura P.S. Case No. 31 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 13.02.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

Navya/-

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

