

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1868 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- DAUDNAGAR District- Aurangabad

1. DILKESHWAR MAUWAR Son of Late Janakdeo Mauwar Resident of village-Arai, P.S.-Daudnagar, District-Aurangabad
2. SHILANDU KUMAR @ SHIVENDU MAUWAR Son of Ramji Mauwar Resident of village-Arai, P.S.-Daudnagar, District-Aurangabad
3. RABINDRA MAUWAR Son of Late Janakdeo Mauwar Resident of village-Arai, P.S.-Daudnagar, District-Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. BINOD PASWAN Son of Bineshwar Paswan Resident of village-Arai, P.O.-Arai, P.S.-Daudnagar, District-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Chandra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-01-2025 Despite valid service of notice, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and State.

3. This appeal has been filed against the order dated 02.02.2023 passed by learned 1st Additional District & Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in connection with A.B.P. No. 109 of 2023 arising out of Daudnagar P.S. Case No. 223 of 2022, registered under Sections 341, 323, 324, 325, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)/(w)(i) of Scheduled Castes and Scheduled



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

4. As per prosecution case, on 29.4.2022 when informant was cutting crops in the field of Satyendra Mauwar, in the meantime, all the F.I.R. named accused persons including these appellants came there and assaulted him with *khanti* and *kulhari* due to which he sustained injuries. It is further alleged that the accused persons abused informant by caste name.

5. Learned counsel for the appellants submits that both parties are co-villagers and due to petty dispute an altercation took place and taking advantage of the same this false and concocted case has been lodged. Allegation of assault is general and omnibus. There is no injury report on record to substantiate the allegations levelled against appellants. It is not the case of the informant that the alleged incident occurred within public view as such, no offence under SC/ST Act is made out.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, 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 1st Additional District & Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in connection with A.B.P. No. 109 of 2023 arising out of Daudnagar P.S. Case No. 223 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 02.02.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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