

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1768 of 2024

Arising Out of PS. Case No.-500 Year-2023 Thana- MADANPUR District- Aurangabad

1. Tuntun Kumar Son Of Upendra Yadav Resident Of Village- Ordiha, Ps- Madanpur, Dist- Aurangabad
2. Saroj Kumar Son Of Bali Yadav Resident Of Village- Ordiha, Ps- Madanpur, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambalak Choudhary Son Of Ramprasad Choudhary Resident Of Village- Ordiha, Ps- Madanpur, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-08-2025 Heard learned counsel for the appellants and the State.

2. This appeal has been filed against the order dated 15.03.2024 passed by learned Special Judge SC/ST cum 1st Additional District & Sessions Judge, Aurangabad in ABP No. 496 of 2024 arising out of Madanpur P.S. Case No. 500 of 2023, registered under Sections 341, 448, 323, 354, 379, 147, 149 of the Indian Penal Code and Section 3(I)(r)(s)(w)(i)(ii)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 13.11.2023 at 7 PM, all the F.I.R. named accused persons, including these appellants, were playing vulgar songs on DJ near the house of informant and when informant objected, the accused persons abused him by caste name and assaulted informant and his family members with fists, slaps, bricks, etc.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, on the alleged date of occurrence, informant and others were playing vulgar songs during idol immersion procession of Maa Laxmi which was protested by the appellants and in revenge, this false and concocted case has been lodged against them. 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 rival submissions on behalf of the parties 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 Special Judge SC/ST cum 1st Additional District & Sessions Judge, Aurangabad in ABP No. 496 of 2024 arising out of Madanpur P.S. Case No. 500 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 15.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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