

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2029 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- GOH District- Aurangabad

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- 1 . SANJEET KUMAR @ RANJEET KUMAR Son of Ganesh Sharma
Resident of village - Khajuri, P.S. - Konch, Distt. - Gaya
 2. Biku Kumar @ Bittu Kumar Son of Arvind Mahto Resident of village -
Khajuri, P.S. - Konch, Distt. - Gaya
 - 3 . Rajveer Vishwakarma Son of Sitaram Vishwakarma Resident of village -
Khajuri, P.S. - Konch, Distt. - Gaya
 4. Raju Kumar Son of Ravindra Sao Resident of village - Khajuri, P.S. -
Konch, Distt. - Gaya
 - 5 . Nitish Kumar Son of Arun Mahto Resident of village - Khajuri, P.S. -
Konch, Distt. - Gaya
 6. Satish Kumar Son of Arun Mahto Resident of village - Khajuri, P.S. -
Konch, Distt. - Gaya
 7. Rahul Kumar Son of Ajay Mahto Resident of village - Khajuri, P.S. - Konch,
Distt. - Gaya
 - 8 . Mukesh Kumar Son of Lal Mohan Sharma Resident of village - Khajuri, P.S.
- Konch, Distt. - Gaya
 9. Subodh Kumar Son of Mahesh Sharma Resident of village - Khajuri, P.S. -
Konch, Distt. - Gaya

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Vishal Kumar Son of Sanjay Paswan Resident of village - Khajuri, P.S. -
Konch, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH



ORAL ORDER

6 17-04-2025 The bail appeal of appellant Nos. 1 , 5 , 6, 8 and 9
has already been withdrawn vide order dated 22.09.2023 .

2. Heard learned counsel for the appellant Nos. 2, 3 ,
4 and 7 and respondents and State . Despite filing of
vakalatnama , nobody appears on behalf of respondent No. 2.

3 . This appeal has been filed for setting aside order
dated 28.03.2023 passed in a case registered for the offence
punishable under sections 147, 149, 341, 323, 504 and 379 of
the Indian Penal Code and sections 3(i)(r) (s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, whereby the prayer for anticipatory bail of the appellant
has been rejected.

4. As per the prosecution case , on the alleged date
and time of occurrence , while informant and his brother went
for walking, in the meantime , all the F.I.R., named accused
persons ambushed them using cast name and assaulted his
brother, Sudhanshu Kumar by strangling his neck with a towel
due to which he became unconscious. It is further alleged that
all the accused persons assaulted him with butt of pistol due to
which he sustained head injury and accused persons also
snatched gold chain from brothers of informant.

5 . It is submitted on behalf of the appellants that



these appellants have falsely been implicated in this case and due to old enmity . The present case is counter blast of Konch P S case No. 515 of 2022 which was lodged by Neha Kumari sister of co-accused Satish Kumar on 05.12.2022 against informant and his family members and to save skin from the aforesaid case , this false and concocted case has been lodged. Specific accusation of abuse by caste name and assault is against other co-accused persons. It is not the case of informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

6. Counsel for the Special Public Prosecutor for the State opposed the prayer for bail.

7. Considering the aforesaid facts, clean antecedent of these appellants and other circumstances of the case , this appeal is allowed and the impugned order is set aside. Let the appellant Nos. Nos. 2, 3 , 4 and 7 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 the learned special Judge SC/ST cum- 1st Additional district and



sessions Judge Aurangabad in connection with Goh Police
Station Case No. 360 of 2022 .

(Prabhat Kumar Singh, J)

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