

Arising Out of PS. Case No.-337 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

- ... .. Appellant/s

## Versus

1. The State of Bihar
2. Binay Kumar Ram S/o Ram Bilas Ram R/o village- Kabar, P.S.- Bhabua,  
District- Kamur at Bhabua

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Tribhuwan Narayan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

For informant : Mr. Parwej Khan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4 09-10-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 29.11.2021 passed in a case registered for the offence punishable under sections 341,323,324,307,504,506/34 of the Indian Penal Code, and 3(r) (s) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely Vinay Kumar alleged that on 14.06.2019, at about 11:30 O' Clock , when informant along with others went to take their due



money at the house of co-accused Binod Bind , then co-accused Binod Bind, Bahadur Bind and Anil Bind abused informant by caste name and thereafter, other accused persons assaulted informant and others by lathi, danda and sword.

4. It is submitted on behalf of appellants that no such occurrence as alleged ever took place . As a matter of fact, informant along with his three companions intruded into the house of appellants consuming toddy and assaulted the family members of appellants and misbehaved with womenfolk . Regarding the aforesaid occurrence , son of co-accused Anil Bind lodged Bhabua PS Case No. 341 of 2019 against informant and others and in order to save skin from the aforesaid case , informant lodged this false and fabricated case against these appellants. Allegation levelled against these appellants is not specific rather general and omnibus in nature . Injuries sustained by the injured are simple in nature . It is not the case of the informant that any member of public was present at the time of incident, and as such, no case under SC/ST Act is made out.

5 . Learned counsel for the respondent No. 2 as well as learned special public prosecutor for the State opposed the bail.



6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Addl. Session Judge-1st Cum Special Judge, Kaimur at Bhabua in connection with Bhabua Police Station Case No. 337 of 2019.

**(Prabhat Kumar Singh, J)**

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