

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2084 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- EKMA District- Saran

1. ABHIMANYU KUMAR SINGH @ VIVEK KUMAR SINGH Son of Shri Rajendra Kumar Singh @ Rajendra Singh Resident of village - Bhuily, P.S. - Ekma, Distt. - Saran
2. Vikash Kumar Singh Son of Shri Rajendra Kumar Singh @ Rajendra Singh Resident of village - Bhuily, P.S. - Ekma, Distt. - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Bebi Devi Wife of Vijay Shankar Sah Resident of village - Bhuiily, P.S. - Ekma, Distt. - Saran

... Respondent/s

Appearance :

For the Appellant/s : Mr. Amrit Abhijat , Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-01-2025 Heard learned counsel for the parties. Despite
valid service of notice nobody appears on behalf of respondent
No. 2.

2. This appeal has been filed for setting aside order dated 31.03.2023 passed in a case registered for the offence punishable under sections 341, 323 , 354, 324, 379, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3 (i) (T) (s) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case , in brief, is that on the alleged



date and time of occurrence , all the F.I.R., named accused persons armed with lathi, danda came to the house of the informant and and abused the informant by caste name . It is further alleged that appellant No. 2 assaulted husband of the informant by butt of the gun and appellant No. 1 dragged him by wrapping rope around his neck and when alarm raised by the informant accused persons assaulted the informant and looted her household articles.

4. It is submitted that these appellants are innocent and committed no offence as alleged and there is no allegation of any overt act against them. The present case has been lodged in retaliation to Ekma P S Case No. 25 of 2023 filed by the father of the appellant against son of the informant and others. There is no injury report on the record to support the prosecution case . F.I.R., does not disclose 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.

5 . The learned Special public prosecutor for the State vehemently opposed the prayer for bail of these appellants.

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 Additional Session Judge – III – cum- SC/ST/MP/ MLA Judge Saran in connection with Ekma Police Station Case No. 23 of 2023 .

(Prabhat Kumar Singh, J)

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