

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2089 of 2024**

Arising Out of PS. Case No.-34 Year-2023 Thana- SC/ST District- Bhagalpur

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1. Amit Kumar Singh @ Bibhishan Mandal S/o Late Ghultan Singh @ Gholtan Mandal Resident of Tilakpur, PS- Sultanganj, Dist.- Bhagalpur
  2. Aman Singh @ Aman Mandal S/o Amit Kumar Kumar Singh @ Bibhishan Mandal Resident of Tilakpur, PS- Sultanganj, Dist.- Bhagalpur
  3. Naman Kumar @ Naman Mandal S/o Amit Kumar Kumar Singh @ Bibhishan Mandal Resident of Tilakpur, PS- Sultanganj, Dist.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishnu Kumar Das S/o Ramkishore Das R/o vill - Tilakpur, P.s. - Sultanganj, Distt. - Bhagalpur

... .. Respondent/s

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**Appearance :**

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| For the Appellants | : | Mr. Nirbhay Prashant, Advocate |
| For the State      | : | Mr. Binay Krishna, Spl.PP      |
| For the Informant  | : | N o n e                        |

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

4      04-09-2025                      Heard learned counsel appearing for the appellants and learned Spl.P.P. appearing on behalf of the State.

2. Despite filing *Vakalatnama*, no one appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 01.03.2024 passed in a case registered for the offence punishable under Sections 341, 323, 324, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has



been rejected.

4. As per prosecution case, on 22.12.2023 at about 7 PM, when the informant was returning home from Sultanganj market, in the meantime, these accused appellants abused him by caste name and thereafter, these appellants, along with 7 to 8 unknown persons, assaulted informant by means of *lathi*, butt of pistol and iron rod and also snatched Rs. 2,000/- cash from his pocket.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, Petitioner No. 1 is former *Mukhiyan* and Petitioner Nos. 2 and 3 are son of Petitioner No. 1 and due to village politics, they have falsely been implicated in this case. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Doctor has opined the injuries sustained by the injured to be simple in nature. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.



6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, nature of injuries sustained by the injured and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 01.03.2024 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Bhagalpur in connection with A.B.P. No. 385 of 2024 arising out of Bhagalpur Sadar SC/ST P.S. Case No. 34 of 2023 is hereby set aside with respect to these appellants only.

8. Accordingly, 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 learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Bhagalpur in connection with Bhagalpur Sadar SC/ST P.S. Case No. 34 of 2023.

**(Prabhat Kumar Singh, J)**

shashank/-

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