

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2124 of 2024

Arising Out of PS. Case No.-18 Year-2018 Thana- SC/ST District- Patna

- 1. Ravi Kumar Son of Arun Ray R/O Vill.- Chitnava, P.S.- Maner, District- Patna.
- 2. Bhola Kumar Son of Krishna Ray R/O Vill.- Chitnava, P.S.- Maner, District- Patna.
- 3. Indrajit Ray @ Indrajit Kumar Son of Krishna Ray R/O Vill.- Chitnava, P.S.- Maner, District- Patna.
- 4. Upendra Kumar Son of Late Chandra Shekhar Ray R/O Vill.- Chitnava, P.S.- Maner, District- Patna.
- 5. Dipak Kumar Son of Late Chandra Sekhar Ray R/O Vill.- Chitnava, P.S.- Maner, District- Patna.
- 6. Katar Ray Son of Late Sant Lal Ray R/O Vill.- Chitnava, P.S.- Maner, District- Patna.

... .. Appellant/s

Versus

The State of Bihar & Anr.

... .. Respondent/s

Appearance :		
For the Appellant	:	Mr. Ashwini Kumar, Advocate Ms. Priyanka Nand Bhagat, Advocate Mr. Umang, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

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 valid service of notice, no one appears on

behalf of the informant/Respondent No. 2.

3. At the outset, learned counsel appearing on behalf

of the appellants seeks permission to withdraw this appeal with

regard to Appellant No. 4, namely Upendra Kumar.



4. Permission, as prayed for, is accorded.

5. Accordingly, this appeal with regard to Appellant No. 4 stands dismissed as withdrawn.

6. This appeal has been filed for setting aside order dated 02.02.2023 passed in a case registered for the offence punishable under Sections 147, 148, 149, 448, 341, 323, 379, 307, 354B, 504 and 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

7. The prosecution case, in brief, is that on 25.03.2018 at about 7:30 PM, all the F.I.R. named accused persons, including these appellants, armed with deadly weapons, came to house of informant and assaulted father-in-law of informant. When brother-in-law (*devar*) of informant objected, all the accused persons inflicted sword blow on his hand and snatched gold locket from his neck. It is further alleged that all the accused persons, misbehaved with the informant, abused her by caste name and assaulted her with iron rod. Reason of the occurrence is that father-in-law of informant has lodged a criminal case against the accused persons and these appellants



were pressurizing father-in-law of informant to compromise the said case.

8. 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, the very motive alleged against these appellants is belied by the fact that these appellants are not accused in the earlier case lodged by the father-in-law of informant i.e. Maner P.S. Case No. 77 of 2018 and as such, there was no occasion for these appellants to commit the alleged offence. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Injuries sustained by the injured are 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.

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

10. 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, the impugned order dated 02.02.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with A.B.P. No. 788 of 2022 arising out of Danapur SC/ST P.S. Case No. 18 of 2018 is hereby set aside with respect to Appellant Nos. 1, 2, 3, 5 and 6 only.

11. Accordingly, let the Appellant Nos. 1, 2, 3, 5 and 6, 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 Exclusive Special Judge, SC/ST Act, Patna in connection with Danapur SC/ST P.S. Case No. 18 of 2018.

12. With the aforesaid directions, this appeal stands disposed of.

(Prabhat Kumar Singh, J)

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