

Arising Out of PS. Case No.-44 Year-2021 Thana- SC/ST District- Araria

- Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Gopal Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

4 09-10-2025 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 10.05.2022 passed in a case registered for the offence punishable under sections 341/323/ 354 (B)/ 379/504/506/34 of I.P.C. and U/s 3 (2) (va), (g) 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 ,
Sunita devi alleged that on 08.09.2021, when she along with her



husband returning home , in the midway , all the F.I.R. named accused persons including these appellants abused them by caste name and assaulted by lathi, danda and also tore cloth of informant due to which she became half naked and thereafter accused persons took away silver chain of informant and cash of Rs. 25,00/- from pocket of her husband.

4. It is submitted on behalf of appellants that on account of admitted land dispute between both the parties, a simple wordy altercation took place between them and taking advantage of the situation , this false and concocted case has been lodged against these appellants. Allegation of abuse by caste name and assault is general and omnibus against these appellants. 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. Appellants claim clean antecedent.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, general and omnibus allegation and clean antecedents of these appellants, 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 1st Additional Sessions Judge cum Spl. Judge, Araria in connection with Araria (SC /ST) Police Station Case No. 44 of 2021.

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

