

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2164 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- ROSHANGANJ District- Gaya

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1. Surti Devi @ Shruti Devi wife of Kanhai Chouhan Village- Saifganj Ps- Bankey Bazar Dist- Gaya
 2. Bindu Devi wife of Ajit Chouhan Village- Saifganj Ps- Bankey Bazar Dist- Gaya
 3. Sunita Devi wife of Bachu Chouhan Village- Saifganj Ps- Bankey Bazar Dist- Gaya
 4. Nilam Devi wife of Chandradeep Chouhan Village- Saifganj Ps- Bankey Bazar Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita Devi wife of Manoj Paswan Village- Saifganj Ps- Bankey Bazar Dist- Gaya

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2944 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- ROSHANGANJ District- Gaya

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1. Ajit Noniya @ Ajit Chauhan Son Of Bachu Chouhan Resident Of Village - Saifganj, P.S. - Banke Bazar, District - Gaya
 2. Bachu Noniya @ Bachu Chauhan Son Of Ram Vriksh Noniya Resident Of Village - Saifganj, P.S. - Banke Bazar, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. State Of Bihar Patna High Court
2. Sabita Devi Wife Of Manoj Paswan Resident Of Village - Saifganj, P.S. - Bankey Bazar, District - Gaya

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2164 of 2024)

For the Appellant/s : Mr. Prithivi Raj Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

(In CRIMINAL APPEAL (SJ) No. 2944 of 2024)

For the Appellant/s : Mr. Prithivi Raj Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor



CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2025 Both the above mentioned tagged cases are being disposed of by a common order.

2. Nobody appears on behalf of the informant.

3. Heard learned counsel for the appellants and State.

4. This appeal has been filed against the orders passed by learned Exclusive Special Judge, SC/ST Special Court, Gaya dated 05.04.2024 in connection with A.B.P. No. 109 of 2024 with respect to the appellants in Criminal Appeal (SJ) No. 2164 of 2024 and order dated 20.05.2024 in connection with A.B.P. No. 159 of 2024 with respect to the appellants in Criminal Appeal (SJ) No. 2944 of 2024 arising out of Raushanganj (Bankey Bazar) P.S. Case No. 29 of 2024, registered under Sections 147, 149, 341, 323, 427, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

5. As per prosecution case, on 29.01.2024 at about 3 PM, all the accused persons including these appellants demolished wall of the informant and abused her by caste name and when the informant protested, all the accused persons threatened to outrage her modesty and kill her.



6. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He further submits that on account of existing land dispute between the parties, a simple scuffle took place and taking advantage of the situation, this false and concocted case has been lodged against appellants and others. Allegation against the appellants is general and omnibus. It is not the case of informant that the alleged incident occurred within public view, as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent.

7. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

8. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Special Court, Gaya in connection with Raushanganj (Bankey Bazar) P.S. Case No. 29 of 2024.

9. Accordingly, these criminal appeals are allowed and impugned orders dated 05.04.2024 and 20.05.2024 are set



aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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