

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2207 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- MUFFASIL District- Aurangabad

- 1 . Mukhtar Sah Son of Nayeem Shah Resident of Dhandwa Tola, Ismail Bigha, Police Station - Aurangabad Mufassil, District - Aurangabad.
2. Mustaqueem Shah Son of Nayeem Shah Resident of Dhandwa Tola, Ismail Bigha, Police Station - Aurangabad Mufassil, District - Aurangabad.
- 3 . Saddam Shah @ Sadam Son of Dhanu Shah Resident of Dhandwa Tola, Ismail Bigha, Police Station - Aurangabad Mufassil, District - Aurangabad.
4. Salim Shah Son of Jamalu Shah Resident of Dhandwa Tola, Ismail Bigha, Police Station - Aurangabad Mufassil, District - Aurangabad.
- 5 . Akhtar Sah Son of Dhanu Shah Resident of Dhandwa Tola, Ismail Bigha, Police Station - Aurangabad Mufassil, District - Aurangabad.
6. Abid Shah Son of Abbas Shah Resident of Dhandwa Tola, Ismail Bigha, Police Station - Aurangabad Mufassil, District - Aurangabad.
7. Abbas Shah Son of Sadik Shah Resident of Dhandwa Tola, Ismail Bigha, Police Station - Aurangabad Mufassil, District - Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rampravesh Nath Tiwari , Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-11-2025 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 06.04.2024 passed in a case registered for the offence punishable under sections 147, 148 , 149, 341, 323, 307,325 ,



504, 379 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case in brief, is that informant namely, Ravindra Ram alleged that on 21.03.2024 , he was working in the field and then a goat came there and started grazing his field. On protest, all the F.I.R. named accused persons including these appellants abused informant by caste name and also assaulted informant and others.

4. It is submitted on behalf of appellants that a sudden quarrel arose between the parties on a trivial issue of grazing by the goat which led to a scuffle between the parties in which both sides sustained injuries. Case and counter case . Allegation of assault is general and omnibus against these appellants. There is no material to suggest that the offence was committed only on the ground that informant belongs to Schedule castes or Schedule tribes 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, 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 Special Judge (SC / ST) cum First Additional, and District & Sessions Judge Aurangabad in connection with Aurangabad Muffasil Police Station Case No. 107 of 2024 .

(Prabhat Kumar Singh, J)

Koushik/-

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

