

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2214 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- AMNAUR District- Saran

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1. Upendra Pandit Son of Chandrika Pandit Village- Aphar Ps- Amnaur Dist- Saran at Chapra
 2. Sikendra Pandit @ Sikendra Kumar Pandit @ Sikandar Pandit son of Chandrika Pandit Village- Aphar Ps- Amnaur Dist- Saran at Chapra
 3. Chandrika Pandit son of Late Naga Pandit Village- Aphar Ps- Amnaur Dist- Saran at Chapra
 4. Mundrika @ Muni Lal Pandit @ Munirka Pandit son of Late Naga Pandit Village- Aphar Ps- Amnaur Dist- Saran at Chapra
 5. Jitendra Pandit @ Jitendra Kumar Pandit son of Mundrika @ Muni Lal Pandit @ Munirka Pandit Village- Aphar Ps- Amnaur Dist- Saran at Chapra
 6. Gayatri Devi wife of Chandrika Pandit Village- Aphar Ps- Amnaur Dist- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalti Devi wife of Ashok Ram Village- Aphar Nayatola Ps- amnaur Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2025 Due to inadvertence, previous order dated 21.08.2024

has wrongly been created as Order No. 2 instead of Order No. 3.

Accordingly, let order dated 21.08.2024 be read as Order No. 3.

2. Despite valid service of notice, none appears on
behalf of the respondent No. 2.

3. Heard learned counsel for the appellants and State.

4. This appeal has been filed against the order dated



15.04.2024 passed by learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with A.B.P. No. 1162 of 2024 arising out of Amnaur P.S. Case No. 73 of 2024, registered under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code and Section 3(i)(r)(s)(w)/3(2va) 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 account of petty dispute between the parties over drainage of water, a quarrel took place in which it is alleged that these appellants abused informant by caste name and assaulted informant and her daughter with *lathi* and *danda*. It is further alleged that appellant No. 6 snatched *mangalsutra* from the neck of informant.

6. Learned counsel for the appellants submits that admittedly both parties are close-door neighbours and due to petty dispute, a scuffle took place between them. Allegation of assault is general and omnibus. Injury sustained by the injured is simple in nature. Rest of the allegations are ornamental to make the case grave. It is not the case of informant that alleged incident occurred within the 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 Act, Saran at Chapra in connection with Amnaur P.S. Case No. 73 of 2024.

9. Accordingly, this criminal appeal is allowed and impugned order dated 15.04.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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