

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2247 of 2024**

Arising Out of PS. Case No.-168 Year-2023 Thana- BHAGWANPUR District- Begusarai

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1. Vijay Kumar Ray @ Vijay Ray Son of Vidyanand Ray Resident of Village- Atarua, Manserpur, P.S-Bhagwanpur (Tiyay) , Dist- Begusarai
 2. Jitendra Kumar Ray @ Jitendra Ray Son of Arun Ray Resident of Village- Atarua, Manserpur, P.S-Bhagwanpur (Tiyay) , Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxmi Devi W/O Sitaram Choudhry Resident of Village- Atarua, ward no- 1, P.S- Teyay, Bhagwanpur , Dist- Begusarai.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Anuj Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 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. This appeal has been filed for setting aside order

dated 19.04.2024 passed in a case registered for the offence

punishable under Sections 341, 323, 307, 506, 354 and 34 of the

Indian Penal Code, Section 3(i)(r)(s)(f) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. The prosecution case, in brief, is that on 24.06.2023 at about 3 PM, all the F.I.R. named accused persons, including these appellants, were forcibly raising fence on the land of informant and on protest, all of them abused information by caste name and assaulted her. It is further alleged that when husband of informant came to save her, he was also assaulted with iron rod.

5. 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, appellants are *bona fide* purchaser of the land in question and were constructing boundary wall on their own land which is disputed by the informant for which simple *maar-peet* took place between the parties in which both sides sustained injuries. There is case and counter-case. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. 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.

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

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 19.04.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with A.B.P. No. 728 of 2024 arising out of Bhagwanpur (Tiyay) P.S. Case No. 168 of 2023 is hereby set aside with respect to these appellants only.

8. Accordingly, 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 learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai



in connection with Bhagwanpur (Tiyay) P.S. Case No. 168 of
2023.

(Prabhat Kumar Singh, J)

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