

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2314 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- BAUNSI District- Araria

1. TEJ NARAYAN THAKUR @ TIPPA SON OF LATE JAYSHREE THAKUR RESIDENT OF VILLAGE - BOUSI, WARD NO. 11, P.S. - BOUSI, DISTRICT - ARARIA
2. RAHIT THAKUR @ ROHIT KUMAR SON OF TEJ NARAYAN THAKUR RESIDENT OF VILLAGE - BOUSI, WARD NO. 11, P.S. - BOUSI, DISTRICT - ARARIA
3. KOSHALYA DEVI WIFE OF TEJ NARAYAN THAKUR RESIDENT OF VILLAGE - BOUSI, WARD NO. 11, P.S. - BOUSI, DISTRICT - ARARIA
4. CHANDAN THAKUR SON OF LATE LUTAN THAKUR RESIDENT OF VILLAGE - BOUSI, WARD NO. 11, P.S. - BOUSI, DISTRICT - ARARIA
5. PARMILA DEVI WIFE OF CHANDAN THAKUR RESIDENT OF VILLAGE - BOUSI, WARD NO. 11, P.S. - BOUSI, DISTRICT - ARARIA
6. RAJU THAKUR @ RAJU KUMAR THAKUR SON OF CHANDAN THAKUR RESIDENT OF VILLAGE - BOUSI, WARD NO. 11, P.S. - BOUSI, DISTRICT - ARARIA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. DURGA DEVI WIFE OF RAGHU RISHI RESIDENT OF VILLAGE - BOUSI, WARD NO. 11, P.S. - BOUSI, DISTRICT - ARARIA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kishore Bharti , Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
for respondent No. 2	:	Mr. Sanjay Kumar Sharma, Advocate
		Mr. Siddhi Aashana, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-02-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 01.05.2024 passed in a case registered for the offence punishable under sections 341 , 323 , 324, 307 379, 354B



504,506 and 34 of the Indian Penal Code and sections 3(1) (r) , 3(i) (s) , 3(i) (v) of the Scheduled Castes and Scheduled Tribes (POA) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 089.03.2024 at about 11 AM , while the measurement of land of informant was going on , in the meanwhile all the F.I.R., named accused persons including these appellants protested the measurement of land abused the father of informant by caste name and when informant and her mother and her cousin went to rescue , then all the accused persons assaulted mother of informant by means of sharp weapon and also assaulted cousin of informant by means of fists and slaps.

4. It is submitted on behalf of these appellants that appellants are innocent and have falsely been implicated in this case . Allegation of abuse and assault is general and omnibus in nature . The present F.I.R., has been lodged after delay of 3 days for which there is no plausible explanation . Case and counter case . Injury sustained by the injured are simple in nature . It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.



5 . Learned counsel for the respondent No. 2 and learned Public Prosecutor for the State opposed the prayer for 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 1st Additional Sessions Cum Special Judge Araria in connection with Bousi Police Station Case No. 30 of 2024 .

(Prabhat Kumar Singh, J)

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