

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2393 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- AANDAR District- Siwan

1. BALIRAM @ BALIRAM SHAH SON OF RANGI SHAH @ RANGI RESIDENT OF VILLAGE - BELWASA, P.S. - ANDAR, DISTRICT - SIWAN
2. Vikesh Kumar @ Vikesh Sah S/o Dharmendra Sah RESIDENT OF VILLAGE - BELWASA, P.S. - ANDAR, DISTRICT - SIWAN
3. Nag Naryan Sah @ Naga Sah S/o Rangi Sah RESIDENT OF VILLAGE - BELWASA, P.S. - ANDAR, DISTRICT - SIWAN
4. Vivek Kumar @ Vivek Sah S/o Baliram Sah RESIDENT OF VILLAGE - BELWASA, P.S. - ANDAR, DISTRICT - SIWAN
5. Dhanti Devi W/o Vinod Sah RESIDENT OF VILLAGE - BELWASA, P.S. - ANDAR, DISTRICT - SIWAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. LALMUNI PASWAN SON OF SHEO BALAK PASWAN RESIDENT OF VILLAGE - CHHAJAWA, P.S. - ANDAR, DISTRICT - SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramchandra Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-02-2025 Heard learned counsel for the parties. Despite
valid service of notice , no body appears on behalf of respondent
No. 2.

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, 448 , 504,506 and 34 of the Indian Penal Code and sections 3(1) (r) (s), of the Scheduled Castes and Scheduled Tribes



Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on the alleged date and time of occurrence , an altercation took place between the grazing of cow , in which it is alleged that these appellants abused informant by caste name and also assaulted informant and others.

4. It is submitted on behalf of these appellants that appellants are innocent and have falsely been implicated in this case . Specific accusation of assault is against co-accused Akash Shah and so far as these appellants are concerned, there is general and omnibus allegation of assault against them. Injury caused by these appellants 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.

5 . 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 Additional district and Sessions Judge cum Special Judge Siwan in connection with Andar Police Station Case No. 42 of 2024 .

(Prabhat Kumar Singh, J)

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