

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2644 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- ARIYARI District- Sheikhpura

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NITISH KUMAR Son of Satan Mahto @ Satyendra Mahto Resident of
village - Vidyapur, P.S. - Ariyari, Distt. - Sheikhpura

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Sanjay Paswan Son of Late Banarsi Paswan Resident of village - Vidyapur,
P.S. - Ariyari, Distt. - Sheikhpura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sheo Nandan Prasad , Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For informant	:	Mr. Bishwajeet Prasad , Advocate
		Mr. sita ram Prasad , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-04-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 10.05.2023 passed in a case registered for the offence punishable under sections 147, 148 , 149, 341, 323 , 354(B), 504 and 506 of the Indian Penal Code and under Sections 3 (i) (r) (s)/3(r)(va) of the SC/ST 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 , when the informant reached near middle school Hussainabad , in the meantime , this appellant along with other co-accused persons came there and abused the informant by caste name and also snatched Rs. 5,000/- from informant.

4. Learned counsel for the appellant submits that both the parties are co-villagers and due to petty dispute , this false and concocted case has been lodged against this appellant. Allegation is general and omnibus against this appellant. Rest of the allegation is ornamental 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. Appellant claims clean antecedent.

5 . Learned counsel for the respondent No. 2 and special Public Prosecutor for the state oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, 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) with two sureties of the like amount
each to the satisfaction of the learned Additional district and
session Judge sheikhpura in connection with Ariyari Police
Station Case No. 350 of 2022 .

(Prabhat Kumar Singh, J)

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