

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2482 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- ALAMNAGAR District- Madhepura

1. Jitendra Yadav @ Jitendra Kumar Son Of Late Sulendra Yadav Village- Kapsiya Laliya Punarwas, Ps- Alamnagar (RATWARA Op) Dist- Madhepura
2. Kundan Kumar Son Of Late Sulendra Yadav Village- Kapsiya Laliya Punarwas, Ps- Alamnagar (RATWARA Op) Dist- Madhepura
3. Abhimanyu Kumar @ Manu Yadav Son Of Awdesh Yadav Village- Kapsiya Laliya Punarwas, Ps- Alamnagar (RATWARA Op) Dist- Madhepura
4. Roushan Yadav @ Rousan Kumar Son Of Bharat Yadav Village- Kapsiya Laliya Punarwas, Ps- Alamnagar (RATWARA Op) Dist- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Most. Rukma Devi Wife Of Late Barelal Ram Village- Kapsiya Laliya Punarwas, Ps- Alamnagar (ratwara Op) Dist- Madhepura

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2631 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- ALAMNAGAR District- Madhepura

Vibhash Kumar @ Vibhash Yadav Son of Subodh Yadav R/O Vill.- Kapsiya Laliya Punarwas, P.S.- Alamnagar (Ratwara O.P.), Dist.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Most. Rukma Devi Wife of Late Barelal Ram R/O Vill.- Kapsiya Laliya Punarwas, P.S.- Alamnagar (Ratwara O.P.), Dist.- Madhepura

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2482 of 2024)

For the Appellant/s : Mr. Pawan Kumar, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.
For Respondent No. 2 : Dr. Sanjay Kumar Singh, Advocate

(In CRIMINAL APPEAL (SJ) No. 2631 of 2024)

For the Appellant/s : Mr. Pawan Kumar, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.
For Respondent No. 2 : Dr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH



ORAL ORDER

5 01-05-2025 Both the above mentioned appeals are being disposed of by a common order, since these appeals are arising out of same P.S.

2. Heard learned counsel for the parties.

3. These appeals have been filed against orders dated 02.05.2024 passed by learned Additional Sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Madhepura in connection with ABP No. 523 of 2024 with regard to the appellants as named above in Criminal Appeal (SJ) No. 2482 of 2024 and ABP No. 585 of 2024 with regard to the appellant as named above in Criminal Appeal (SJ) No. 2631 of 2024, both arising out of Alamnagar (Ratwara O.P.) P.S. Case No. 51 of 2024, registered under Sections 447, 341, 323, 324, 379, 385, 504, 354(A), 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on 21.02.2024 at 9 PM, while informant was going to her *basa* near Kapsiya Nisad Tola, all the F.I.R. named accused persons including these appellants abused her by caste name and assaulted informant and others by means of *lathi* and butt of pistol. It is further alleged that the



accused persons also snatched gold locket and cash.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He submits that informant and appellants are co-villagers and on the alleged date of occurrence, appellants were irrigating their maize field through delivery pipe and son of the informant cut their delivery pipe due to which simple altercation took place between the parties. Allegation of assault is general and omnibus and no specific overt act is alleged against these appellants. Injury allegedly caused by these appellants is simple in nature. Rest of the allegations are ornamental only to make the case. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

7. Considering the nature of accusation, simple injury and clean antecedent, 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 learned Additional Sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Madhepura in connection with Alamnagar (Ratwara O.P.) P.S. Case No. 51 of 2024.

8. Accordingly, these criminal appeals are allowed and impugned orders dated 02.05.2024 are set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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