

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2611 of 2024

Arising Out of PS. Case No.-523 Year-2023 Thana- EKMA District- Saran

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- 1 . Suraj Kumar Giri @ Suraj Giri SON OF Arajnath Giri R/O Vill - Karhi, P.S. Baniyapur, Distt. -Saran
 2. Arajnath Giri SON OF JAGDISH GIRI @ JAGDISH PURI R/O Vill - Karhi P.S.- Baniyapur Distt.- Saran

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Ajay Kumar Ram SON OF Tribhuvan Ram R/O Vill- Bindalal ke Mathiya p.s.- Ekma Distt. -Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shekhar Harshvardhan, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 27-02-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 27.04.2024 passed in a case registered for the offence punishable under sections 323 , 379, 504 and 34 of Indian Penal Code And Section 3(i)(r)(s)/3(2) (va) of sc/st (poa) whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 14.12.2023 when informant was irrigating his wheat field from the pond of one Deonath Ray , in the meantime , all the accused persons came



there and ask him to irrigate their field first and when informant denied all the accused persons threw the pumping machine in the pond and abused the informant by caste name and also assaulted him with bat, fat and fists.

4. It is submitted that appellants are innocent and has committed no offence . As a matter of fact, informant was using the water of pond of these appellants and when appellants asked informant not to use the water of their pond for irrigation , in retaliation this false and concocted case has been lodged by informant against them. Allegation of abuse and assault is general and omnibus. It is not a 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 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 Special Judge
SC/ST (POA), Act, Saran at Chapra, in connection with Ekma
Police Station Case No. 523 of 2023 .

(Prabhat Kumar Singh, J)

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