

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2688 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Satyanarayan Singh Son of Radha Prasad Singh R/O Vill.- Khamidura, P.O. and P.S.- Durgawati, Dist.- Kaimur at Bhabhua
2. Brajesh Singh @ Guddu Singh Son of Radhe Singh R/O Vill.- Khamidura, P.O. and P.S.- Durgawati, Dist.- Kaimur at Bhabhua
3. Pintu Singh @ Hanuman Singh Son of Satyanarayan Singh R/O Vill.- Khamidura, P.O. and P.S.- Durgawati, Dist.- Kaimur at Bhabhua

... .. Appellant/s

Versus

1. The State of Bihar
2. Pushpa Devi Wife of Joginder Ram Village- Khamidawra, P.S.- Durgawati, Dist.- Kaimur at Bhabhua (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-04-2025 Despite filing *Vakalatnama*, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 22.05.2024 passed by learned Additional Sessions Judge-1, Kaimur at Bhabua in connection with A.B.P. No. 620 of 2024 arising out of Durgawati P.S. Case No. 106 of 2024, registered under Sections 147, 341, 323, 354, 504, 379 of the Indian Penal Code and Section 3(1)(r)(s)(u) 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 the alleged date and time of occurrence, all the F.I.R. named accused persons including these appellants assaulted the informant by means of bricks and stones and abused her by caste name.

5. Learned counsel for the appellants submits assertion of right, title and possession over the piece of land resulted into a free fight between both the parties in which both sides sustained injuries. Case and counter case. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellants. There is no injury report on record to substantiate the allegations levelled against the appellants. Moreover, it is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the nature of accusation 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 Additional Sessions Judge-1, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 106 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 22.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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