

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2708 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- MAHUA District- Vaishali

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1. Arvind Kumar @ Arvind Kumar Singh @ Arindra Kumar Singh @ Aravind Singh S/o Baleshwar Kunwar @ Baaleshwar Kuvar R/o village -Karihon, (Karihan), P.O .-Bishanpur Bejha, PS Mahua, Dist Vaishali, Bihar
 2. Keshav Kumar S/o Arvind Kumar @ Arvind Kumar Singh @ Arindra Kumar Singh @ Aravind Singh R/o village -Karihon, (Karihan), P.O .-Bishanpur Bejha, PS Mahua, Dist Vaishali, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi W/o Late Manoj Ram R/o village -Karihon, (Karihan), P.O .-Bishanpur Bejha, PS Mahua, Dist Vaishali, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Diwakar, Mr. Deepak Kumar, Mrs. Anjali Kumari, Mr. Madhav Roy, Advocates
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R.No. 2	:	Mrs. Bela Singh, Mr. Rajeev Ranjan, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-04-2025 Heard learned counsel for the appellants, respondent
No. 2 and the State.

2. This appeal has been filed against the order dated 27.04.2024 passed by learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in connection with A.B.P. No. 784 of 2024 arising out of Mahua P.S. Case No. 02 of 2024, registered under Sections 147, 341, 323, 354, 506/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, on the alleged date and time of occurrence, while informant was sleeping in her house, all the F.I.R. name accused persons including these appellants along with 50 unknown persons entered her house and started assaulting her son. When informant woke up and tried to rescue her son, the accused persons assaulted and abused her by caste name and tried to commit rape with her.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, on account of scuffle between the children, an altercation took place between the parties in which both sides sustained injury. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellant. Rest of the allegations are ornamental only to make the case grave. F.I.R. has been lodged after inordinate delay of five days which itself raises doubt over veracity of the prosecution case. Moreover, it is not the case of the informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent No. 2 vehemently opposed



the bail application.

6. 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 Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Mahua P.S. Case No. 02 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 27.04.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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