

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2799 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- BANDEYA District- Aurangabad

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1. Karan Kumar S/O Sudeshwar Rawani R/O Village-Chapra, Bela warish, P.S. Bandeya, Distt-Aurangabad(Bihar)
 2. Suraj Kumar S/O Rampukar Rawani R/O Village-Chapra, Bela warish, P.S. Bandeya, Distt-Aurangabad(Bihar)
 3. Ankit Kumar S/O Sunil Rawani @ Sunil Kumar R/O Village-Chapra, Bela warish, P.S. Bandeya, Distt-Aurangabad(Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jitendra Das S/O Ramdhyan Das R/O Village-Chapra, Bela warish, P.S. Bandeya, Distt-Aurangabad(Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Aman Vishal, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, APP
For the informant	:	Mr.Arun Kumar No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 23-01-2025 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order dated 27.05.2024, passed by learned Special Judge, SC/ST-cum- 1st Additional District & Sessions Judge, Aurangabad in A.B.A. No. 1022 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Bandeya Police Station Case No. 18 of 2024 registered for the offences punishable



under Sections 147/148/149/323/307/504/506/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that the informant Jitendra Das has alleged that on 01.04.2024 at about 7 pm, while the informant and his brother were coming back to their home, they were intercepted by the appellants and other accused persons and assaulted them with lathi. It has further been alleged that accused Rocky Kumar abused the informant and his brother by taking caste name and also assaulted them by his countrymade pistol, due to which, they sustained injuries.

4. Learned Counsel appearing on behalf of the appellants submits that due to previous dispute, the present F.I.R. has been lodged. Both parties are co-villagers and caste name was not taken in the full public view. He further submits that the allegation of assault is general and omnibus in nature except the injury sustained by the informant on middle of the head, which is not attributable to the appellants and during course of investigation, the re-statement of the informant was recorded who was also an injured witness, in which he has



stated that co-accused Rocky Kumar had assaulted by his countrymade pistol on his head. He also submits that the injury caused to the brother of the informant is simple in nature.

5. On the other hand, learned counsel for the informant as well as learned Spl.P.P. for the State argued that the allegation of assault is upon appellants and other accused persons. The appellants have used the abusive language being the co-villagers, assembled near the place of occurrence and the injury caused to informant is serious in nature and on the vital part of the body i.e. in the middle of the head.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both parties are co-villagers and caste name was not taken in full public view with intention to humiliate the informant, the dispute between the parties is due to the fact that they are co-villagers, the injury caused to the informant's brother is simple in nature, however injury caused to the informant is on the vital party of the body i.e. on the middle of the head but the same was not attributable to the appellants but to one co-accused Rocky Kumar, I am inclined to grant anticipatory bail to the appellants.

7. Accordingly, this appeal is allowed and the order



dated 27.05.2024, passed by learned Special Judge, SC/ST-cum-1st Additional District & Sessions Judge, Aurangabad in A.B.A. No. 1022 of 2024, is set aside.

8. Let the appellants, above named, be released 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 learned Special Judge, SC/ST-cum-1st Additional District & Sessions Judge, Aurangabad in A.B.A. No. 1022 of 2024 arising out of Bandeya PS Case No. 18 of 2024.

(Anil Kumar Sinha, J)

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