

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2790 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- MADHUBAN District- East Champaran

1. Rambalak Prasad Son of Late Sahdeo Bhagat R/O Vill.- Bara Pakar, P.S.- Madhuban, Dist.- East Champaran
2. Shankar Prasad @ Shivshankar Prasad Son of Late Sahdeo Bhagat R/O Vill.- Bara Pakar, P.S.- Madhuban, Dist.- East Champaran
3. Raja Prasad Son of Late Sahdeo Bhagat R/O Vill.- Bara Pakar, P.S.- Madhuban, Dist.- East Champaran
4. Musmat Sushila Devi @ Sushila Devi Wife of Late Sahdeo Bhagat R/O Vill.- Bara Pakar, P.S.- Madhuban, Dist.- East Champaran
5. Jagdish Prasad Son of Late Rambriksh Prasad R/O Vill.- Jitaura, P.S.- Madhuban, Dist.- East Champaran
6. Anand Kumar Son of Jagdish Prasad R/O Vill.- Jitaura, P.S.- Madhuban, Dist.- East Champaran
7. Baidnath Prasad Son of Nathuni Bhagat R/O Vill.- Dulma Panch Ana, P.S.- Madhuban, Dist.- East Champaran
8. Kamal Kumar Bhagat Son of Sita Ram Bhagat R/O Vill.- Bara Pakar, P.S.- Madhuban, Dist.- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mahendra Baitha Son of Late Jhigan Baitha R/O Vill.- Bara Pakar, P.S.- Madhuban, Dist.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Krishna Kant Singh, Advocate

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
18.03.2024 passed by learned Special Judge, SC/ST Act, East
Champaran, Motihari in connection with A.B.P. No. 1003 of



2024 arising out of Madhuban P.S. Case No. 374 of 2023, registered under Sections 341, 323, 420, 504, 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.

3. As per prosecution case, on the alleged date and time of occurrence, while informant was working in his field, in the meantime, all the F.I.R. named accused persons including these appellants reached there and assaulted him by means of fists and slippers. It is further alleged that the accused persons also abused the informant by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Allegation of assault is general and omnibus and there is no specific allegation of overt act against these appellants. There is inordinate delay of 24 days in lodging the F.I.R. for which there is no plausible explanation which itself falsifies the prosecution case. Injuries allegedly caused by these appellants are simple in nature. 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 the appellants.

5. Learned Spl. Public Prosecutor for the State as well



as learned counsel for the informant vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, 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 Special Judge, SC/ST Act, East Champaran, Motihari in connection with Madhuban P.S. Case No. 374 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 18.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

