

Arising Out of PS. Case No.-12 Year-2023 Thana- SC/ST District- Kaimur (Bhabua)

... .. Appellant/s

Versus

- ... Respondent/s

For the Appellant/s	:	Mr. Parwej Khan, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For informant	:	Mr. Vinod Kumar Seth, Advocate
		Mr. Rajesh Kumar Advocate

4 09-10-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 15.06.2023 passed in a case registered for the offence punishable under sections 341 , 323 , 354, 504, 506 and 34 of



I.P.C. and 3(1)(r) (s) (w) , 3 (2) (va) of SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely , Nilam devi alleged that on 09.05.2023 at about 10:00 AM,. when daughter of informant went to shop, then appellant No. 1 came and molested her and also pulled her dupatta . When informant along with one Anita devi went to confront, then all the F.I.R. named accused persons including these appellants abused them by caste name and appellant No. 1 assaulted informant by lathi , danda and other accused persons also assaulted them and pulled cloth of informant. It is further alleged that accused persons threatened informant and other with dire consequences.

4. It is submitted on behalf of appellants that both the parties are co-villagers and one month prior to the alleged occurrence , there was dispute between children of both the families and taking advantage of the situation , this false and concocted case as been lodged by informant only with a view to harass and humiliate these appellants. Allegation is general and omnibus against these appellants. Rest of the allegations are ornamental in nature to make the case grave . It is not the case of the informant that the offence was committed only on the



ground that the victim was member of scheduled caste and hence no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned counsel for respondent No. 2 as well as special public prosecutor for the State opposed the bail and submitted that from bare perusal of F.I.R. it is evident that the alleged occurrence took place on road which is within a public view and there is specific allegation against appellant No. 1 that he molested daughter of informant and assaulted informant and others.

6. Considering the seriousness and nature of accusation against appellant No. 1 , Rajnikant Maurya @ Rajni Kushwaha , his prayer for pre – arrest bail appeal is hereby rejected.

7. Considering the backdrop of the case and also the fact that allegation is general and omnibus against appellant appellant Nos. 2 and 3 and other circumstances of the case , this appeal is allowed with respect to appellant Nos. 2 and 3 only and the impugned order is set aside. Let the appellant Nos. 2 and 3 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 Additional Sessions Judge 1st Kaimur at Bhabua in connection with Bhabua SC/ST Police Station Case No. 12 of 2023 .

(Prabhat Kumar Singh, J)

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