

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2888 of 2024

Arising Out of PS. Case No.-226 Year-2024 Thana- MAHUA District- Vaishali

1. Rajesh Kumar @ Rajesh Kr. Son Of Nagendra Rai Village- Tajpur Buzurg, P.S.- Mahua, Distt.- Vaishali
2. Birendra @ Birendra Rai Son Of Basu Rai R/V- Village- Tajpur Buzurg, P.S.- Mahua, Distt.- Vaishali
3. Abhishek Kumar Son Of Late Kailash Rai R/V- Village- Tajpur Buzurg, P.S.- Mahua, Distt.- Vaishali
4. Neeraj Kumar @ Neeraj Kr. @ Niraj Kumar Son Of Nand Kishore Rai R/V- Village- Tajpur Buzurg, P.S.- Mahua, Distt.- Vaishali
5. Rakesh Kumar @ Rakesh Kr. Son Of Late Rameshwar Rai R/V- Village- Tajpur Buzurg, P.S.- Mahua, Distt.- Vaishali
6. Ganesh Rai @ Ganesh Kumar Son Of Late Sukhdev Rai R/V- Village- Tajpur Buzurg, P.S.- Mahua, Distt.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakhindra Ram @ Lakhindra Kumar Son Of Muneshwar Ram R/V- Village- Madhopur, P.O.- Mirzanagar, P.S.- Mahua, Distt.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravish Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-04-2025 Despite valid service of notice, 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 29.05.2024 passed by learned Exclusive Special Court (SC/ST Act), Vaishali at Hajipur in connection with A.B.P. No. 1252 of



2024 arising out of Mahua P.S. Case No. 226 of 2024, registered under Sections 341, 323, 504, 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.

4. Prosecution case, in brief, is that when informant was going to work, he saw two groups were quarreling with each other and when informant intervened to pacify the matter, all the F.I.R. named accused persons, including these appellants, pulled him from his vehicle, abused him by caste name and assaulted him with bamboo sticks causing head injury.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, on the alleged date and time of occurrence, there was *Ashtzam Yagya* in the village of appellants wherein, some women were carrying *Kalash* on their heads and respondent and his associates started taking their photos and videos without their consent which caused disturbances to which these appellants resisted and in retaliation, this false and concocted case has been lodged. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellants. 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.

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

7. Considering the nature of accusation and other 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 learned Exclusive Special Court (SC/ST Act), Vaishali at Hajipur in connection with Mahua P.S. Case No. 226 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 29.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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