

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2901 of 2024**

Arising Out of PS. Case No.-77 Year-2024 Thana- SURYAPURA District- Rohtas

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1. Niraj Kumar son of Jay Chandra Singh Village- Gothani , PS-Suryapura , Dist- Rohtas
  2. Mahendra Singh son of Ram Layak Singh Village- Gothani , PS-Suryapura , Dist- Rohtas
  3. Ravi Kumar son of Bhagwati Singh Village- Gothani , PS-Suryapura , Dist- Rohtas
  4. Rohit Kumar son of Ramesh Singh Village- Gothani , PS-Suryapura , Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Niwas Paswan son of Late Sudarshan Paswan Village- Gothani , PS-Suryapura , Dist- Rohtas

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Rajani Kant Singh, Advocate           |
| For the Respondent/s | : | Mr. Binay Krishna, Spl. Public Prosecutor |
| For the R.No. 2      | : | Mr. Randhir Kumar No. 1, Advocate         |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      17-04-2025                      Heard learned counsel for the appellants, respondent  
No. 2 and the State.

2. This appeal has been filed against the order dated 05.06.2024 passed by learned Additional District and Sessions Judge-17 cum Special Judge, SC/ST (POA) Act, Rohtas at Sasaram in connection with Suryapura P.S. Case No. 77 of 2024, registered under Sections 147, 149, 341, 323, 307, 324, 294, 504 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 F.I.R., on the alleged date and time of occurrence, all the F.I.R. named accused persons including these appellants were playing obscene songs on DJ and when informant objected, all the accused persons abused him by caste name and assaulted him with *lathi*, *danda*, bricks and stones.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that as a matter of fact, it was informant who was playing vulgar music on DJ and on protest by appellants and their family members, informant and others brutally assaulted appellants and others for which co-accused Jay Chandra Singh, father of appellant No. 1, filed Suryapura P. S. Case No. 78 of 2024 against informant and his associates and present case has been filed by the informant only with a view to save their skin from the aforesaid case. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellants. Injuries allegedly caused by the 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.



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, simple injury 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 Additional District and Sessions Judge-17 cum Special Judge, SC/ST (POA) Act, Rohtas at Sasaram in connection with Suryapura P.S. Case No. 77 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 05.06.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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