

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3003 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- DIGHA District- Patna

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- 1 . Lalbabu Rai Son of Late Haricharan rai R/O Road No. 2, Chasma Center, Galli, Kurji, Nala Par, Magadh Colony, P.S.- Digha, Patna, Pin- 800010
 2. Rishi Yadav @ Rishi Dev Son of Lalbabu Rai R/O Road No. 2, Chasma Center, Galli, Kurji, Nala Par, Magadh Colony, P.S.- Digha, Patna, Pin- 800010
 - 3 . Shiv Yadav @ Shivji @ Shivji Kumar Son of Lalbabu Rai R/O Road No. 2, Chasma Center, Galli, Kurji, Nala Par, Magadh Colony, P.S.- Digha, Patna, Pin- 800010

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Brijbhushan Ram Son of Ramdev Ram R/O Road No. 2, Chasma Center, Galli, Kurji, Nala Par, Magadh Colony, P.S.- Digha, Patna, Pin- 800010

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Avinash Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-05-2025 Heard learned counsel for the parties. Despite filing vakalatnama , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 27.05.2024 passed in a case registered for the offence punishable under sections 341, 323, 504, 506 and 34 of the Indian Penal Code and 27 of Arms Act and sections 3(i)(r), 3(1) (s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.



3. It is alleged that on 15.02.2024 when informant was doing his work, in the meantime, all these petitioners along with other co-accused persons armed with lathi, danda came there and abused informant by caste name and assaulted him and his family due to which they sustained injury. It is further alleged that accused persons also made firing.

4. It is submitted that both parties are close door neighbour and there is dispute over pathway which by Sujit Kumar as his own and informant is tenant of Sujit Kumar and on his instance this false case has been lodged. Injury allegedly caused by these appellants are simple in nature . It is not the case of informant that any member of public was present at the time of incident, as such , no case under SC / ST Act is made out. Appellants claim clean antecedent.

5 . Learned special public prosecutor for the State opposed the prayer for bail.

6. Considering the nature of injury , clean antecedent and circumstances of case , this appeal is allowed and the impugned order is set aside. Let the appellants, 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 Special Judge, SC/St Court Patna in connection with Digha Police Station Case No. 84 of 2024 .

(Prabhat Kumar Singh, J)

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