

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3091 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- PIPRA District- East Champaran

1. Sanjay Prasad Kushwaha @ Ramesh Kumar Son of Shivpujan Prasad R/o Village- Chakaniya, P.S.- Pipra, District- East Champaran, Motihari
2. Bablu Prasad Kushwaha @ Dhiraj Kumar Son of Shivpujan Kushwaha R/o Village- Chakaniya, P.S.- Pipra, District- East Champaran, Motihari
3. Vigu Prasad @ Santosh Kumar Son of Ritu Bhagat @ Rita Bhagat R/o Village- Chakaniya, P.S.- Pipra, District- East Champaran, Motihari

... .. Appellants

Versus

1. The State of Bihar.
2. Santosh Kumar Son of Rambhu Rai R/o Village- Chakaniya, Ward No.10 Bakhiya, P.S.- Pipra, District- East Champaran, Motihari.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-05-2025 Despite filing *vakalatnama* on behalf of respondent no. 2, no one appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

3. This criminal appeal has been filed against the order dated 22.04.2024 passed by learned Special Judge SC/ST Act, East Champaran, Motihari in ABP No. 1390 of 2024, in connection with Pipra P.S. Case No. 46 of 2024, instituted under Sections 147, 148, 149, 323, 341, 392 and 504 of the Indian Penal Code under Section 27 of Arms Act and under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that the complainant is alleged to have borrowed Rs. 20,700/- at the rate of 5% interest per month from the co-accused Ramlal Prasad Kushwaha in the year 2016. It is further alleged that after five years on 05.05.2022 while the complainant was going from Kudhiya having Rs. 25,000/- in his pocket, on the way co-accused Ramlal Prasad Kushwaha stopped him and asked him to give interest, thereafter, other co-accused persons came and kicked and punched him and took away Rs. 25,000/- from him and they also assaulted informant's family members and also abused him by caste name.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He further submits that from perusal of FIR, it appears that the dispute arose between the informant and Ramlal Prasad Kushwaha due to money transaction. The allegation of abuse by caste name is general and omnibus. There is no specific allegation of any assault or overt act. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against



appellants. Appellants claims clean antecedent.

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

7. Considering the aforesaid facts, 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 Additional District & Sessions Judge-1st-cum-Special Judge (SC & ST), Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 969 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 22.04.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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