

Arising Out of PS. Case No.-128 Year-2024 Thana- GOH District- Aurangabad

- Appellant/s

Versus

- ... Respondent/s

Appearance :

For the Appellant/s : Mrs. Mukul Kumari, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.PP
Mr. Sanjay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-11-2025

1. Heard learned counsel for the parties.
2. The instant appeal has been preferred against the order dated 28.6.2024 passed in ABP No. 1309 of 2024 by the Additional District and Sessions Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad and for grant of anticipatory bail to the appellants in connection with Goh P.S. Case no. 128 of 2023 registered for the offence punishable under sections 147,



149, 341, 323, 324, 448, 504 and 506 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST(POA) Act.

3. As per the prosecution case, the informant states that eight named accused persons including the four appellants herein came variously armed. On the informant asking them not to act in the said manner, it is stated that the accused entered in the house and started to abuse him in the name of his caste. It is further stated that on the orders of Randhir Chandrabansi, Prinkesh Kuamr, Jaykesh Kumar and Rohit Kumar assaulted the informant and the members of his family. The informant further states that all the accused persons having planned the occurrence entered in the house of the appellant and using caste related abuses, assaulted the informant and others. They went away giving threats.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. No case under the SC and ST (POA) Act is made out. The correct version of the occurrence has been narrated in the FIR lodged by the appellant no.3 which is being brought on record as Annexure-P/2 to the petition. The appellants undertake to cooperate in the investigation/trial. It is further submitted that



accepting the allegations levelled in the FIR for the sake of argument, the allegations so far as under SC and ST (POA) Act is concerned, the same is not said to have taken place within public view. No person was injured in the entire occurrence and the appellants have no criminal antecedent.

5. The appeal is opposed by learned Spl P.P. for the State and learned counsel for the respondent no.2. Learned counsel for the respondent no.2 submits that all the appellants are named in the FIR and there is direct and specific allegation against them under the SC and ST (POA) Act and also of having assaulted the informant and others. The appeal is not maintainable.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the nature of allegations levelled against the appellants, the occurrence with respect to SC and ST (POA) Act having taken place inside the house of the informant, the injury sustained by the informant's side being simple in nature and the appellants not having any criminal antecedents, the Court is inclined to allow the appeal.

7. The appeal is allowed and the order dated 28.6.2024 passed in ABP No. 1309 of 2024 by the learned Special Judge (SC/ST)-cum-1st Additional District and



Sessions Judge, Aurangabad is hereby set aside.

8. It is directed that the all the four appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Goh P.S. Case no. 128 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad.

(Partha Sarthy, J)

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