

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3700 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- SC/ST District- Patna

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1. Biru Kumar S/o- Bindeshwari Singh Village- Udan tola PS-Shahpur, Dist- Patna
 2. Ravi Kumar son of Bindeshwari Singh Village- Udan tola PS-Shahpur, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravi Kumar son of Ravindra Choudhary Village- Usri Po- Sikarpur Ps- Sahpur Dist- Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-02-2025 None appears on behalf of respondent No. 2.

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

3. This appeal has been filed against the order dated 19.07.2024 passed by learned Special Judge, SC/ST Act, Patna in connection with A.B.P. No. 2688 of 2024 arising out of SC/ST P.S. Case No. 27 of 2024, registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



4. As per prosecution case, on 09.05.2024, while informant was returning from market, these appellants along with other accused persons surrounded him and abused him by caste name. It is further alleged that the accused persons also assaulted informant with butt of pistol causing head injury and during course of scuffle, they snatched gold jewellery and some cash from the informant.

5. Learned counsel for the appellants submits that both parties are co-villagers and due to land dispute, a simple scuffle took place between them. Allegation of assault is general and omnibus. Injury allegedly caused by these appellants are simple in nature. 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.

6. Learned Spl. Public Prosecutor for the State vehemently 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 Special Judge, SC/ST Act, Patna in connection with SC/ST P.S.



Case No. 27 of 2024.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 19.07.2024 is set aside with respect to
these appellants only.

(Prabhat Kumar Singh, J)

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