

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1828 of 2024

Arising Out of PS. Case No.-44 Year-2022 Thana- SC/ST District- East Champaran

Jhabar Singh @ Uday Kumar Singh Son of Kamal Singh Resident of Village-
Kaithwaliya, P.S.- Kalyanpur, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Suresh Ram Son of Late Gorakh Ram Resident of Village- Kaithwaliya,
P.S.- Kalyanpur, District- East Champaran

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1838 of 2024

Arising Out of PS. Case No.-44 Year-2022 Thana- SC/ST District- East Champaran

Birendra Singh @ Virendra Singh S/o- Late Punkal Singh Vill- Kaithwaliya
Ps- Kalyanpur Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Suresh Ram son of Late Gorakh Ram Village- Kaithwaliya Ps- Kalyanpur
Dist- East Champaran

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3630 of 2024

Arising Out of PS. Case No.-44 Year-2022 Thana- SC/ST District- East Champaran

Baban Kumar Singh S/o Late Sahdeo Singh R/o vill - Fatehpur Atwal, P.s. -
Kudhani, Distt. - Muzaffarpur at present R/o vill - Kaithwaliya, P.S. -
Kalyanpur, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Suresh Ram S/o Late Gorakh Ram R/o vill - Kaithwaliya, P.s. - Kalyanpur,
Distt. - East Champaran

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 1828 of 2024)



For the Appellant/s : Mr. Umesh Chandra, Advocate
Mr. Abhishek Kumar , Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP
For respondent No. 2 : Mr. Rajesh Kumar , Advocate
Mr. Manu Kumar , Advocate
(In CRIMINAL APPEAL (SJ) No. 1838 of 2024)
For the Appellant/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP
For respondent No. 2 : Mr. Rajesh Kumar , Advocate
Mr. Manu Kumar , Advocate
(In CRIMINAL APPEAL (SJ) No. 3630 of 2024)
For the Appellant/s : Mr. Manish Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP
For respondent No. 2 : Mr. Rajesh Kumar , Advocate
Mr. Manu Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2025

CRIMINAL APPEAL (SJ) No.1828 of 2024

Heard learned counsel for the parties. Despite filing vakalatnama , nobody appears on behalf of these appellants.

2. This appeal has been filed for setting aside order dated 15.03.2024 passed in a case registered for the offence punishable under sections 341, 323, 324, 379, 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) and 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case , in brief, is that informant namely Suresh Ram alleged that on 08.11.2022 at about 13:00 PM, all the F.I.R. named accused persons including these



appellants took Rs. 1,25,000/- from informant for land and thereafter, refused to execute the land in favour of informant. It is further alleged that on 10.09.2022 , when informant asked them to execute the land, then accused persons abused informant by caste name and assaulted them. It is further alleged that on 18.09.2022 , all the accused persons assaulted informant with knife and abused him by caste name .

4. It is submitted on behalf of this appellant that co-accused Baban Singh has already executed the sale deed of 3 katha 4 dhurs of his land in favour of informant. Prior to the present case , informant had also lodged one complaint case No. 255 of 2020 dated 18.02.2020 against co-accused, namely , Baban Kumar Singh and one Kamal Singh which was dismissed due to non – appearance of complainant and his witnesses. F.I.R. has been lodged after the delay of 1 month 20 days for which there is no plausible explanation which itself creates doubt over the veracity of the entire prosecution case . Allegation of assault is general and omnibus against this appellant. Injuries sustained by the injured is simple in nature . It is not the case of informant that any member of public was present at the time of incident and as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.



5 . Learned special Public Prosecutor for the State opposed the bail petition .

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, 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) with two sureties of the like amount each to the satisfaction of the learned special Judge SC / ST (POA) Act, East Champaran Motihari in connection with Motihari SC / ST Police Station Case No. 44 of 2022 .

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4. It is submitted on behalf of this appellant that co-accused Baban Singh has already executed the sale deed of 3 katha 4 dhurs of his land in favour of informant. Prior to the present case , informant had also lodged one complaint case No. 255 of 2020 dated 18.02.2020 against co-accused, namely , Baban Kumar Singh and one Kamal Singh which was dismissed due to non – appearance of complainant and his witnesses. F.I.R. has been lodged after the delay of 1 month 20 days for which there is no plausible explanation which itself creates doubt over the veracity of the entire prosecution case . Allegation of assault is general and omnibus against this appellant. Injuries sustained by the injured is simple in nature .



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(Prabhat Kumar Singh, J)

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