

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3689 of 2023

Arising Out of PS. Case No.-240 Year-2023 Thana- GOPALPUR District- Patna

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1. NISHU KUMAR S/O SRI SANJAY KUMAR SINGH @ MUNNA SINGH Mohalla- Sona Gopalpur Ps- Gopalpur Dist- Patna
 2. SUJIT KUMAR S/o- SRI UMESH SINGH Mohalla- Sona Gopalpur Ps- Gopalpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Roushan Kumar son of sri Lalan Das Resident of village and P.O- Sona Golapur, P.S-Gopalpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abinash Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2025 Despite filing *Vakalatnama*, none appears on behalf of the 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 11.07.2023 passed by learned Exclusive Special Judge, SC/ST, Patna in ABP No. 4239 of 2023 arising out of Gopalpur P.S. Case No. 240 of 2023, registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) 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 18.04.2023 at 6:30 PM, when informant was heading home and reached near Hanuman Temple, all the F.I.R. named accused persons assaulted him and abused him by caste name.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Both parties are co-villagers and due to petty dispute, altercation took place between them. Allegation of assault and abuse by caste name is general and omnibus. There is no specific allegation of overt act against these appellants and no injury report is available on record to substantiate the allegations levelled against appellants. Moreover, 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 against appellants. Appellants claim clean antecedent.

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

7. Considering the nature of accusation and clean antecedent, 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 Exclusive Special Judge, SC/ST, Patna in ABP No. 4239 of 2023 arising out of Gopalpur P.S. Case No. 240 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 11.07.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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