

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4710 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- TARAIYA District- Saran

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1. Arvind Kumar Singh @ Satyam Kumar @ Satyam Singh S/o Kamakhya Singh R/o Village and Post- Taraiya, P.S- Taraiya, District- Saran at Chapra
 2. Vikash Singh @ Sonu Kumar @ Sonu S/o Late Ramdeni Sah R/o Village and Post- Taraiya, P.S- Taraiya, District- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Bipin Kumar s/o Vinod Manjhi R/o Village and Post- Taraiya, P.S- Taraiya, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jeetendra Narayan, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. P.P.
For respondent no.2	:	Mr. Shashank Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-11-2025 Heard Mr. Jeetendra Narayan, learned counsel for the appellants and Mr. Shashank Chandra, learned counsel for respondent no.2.

2. This criminal Appeal has been preferred against the order dated 09.09.2024 passed in A.B.P. No. 3222 of 2024 by learned Exclusive Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Taraiya P.S. Case No. 310 of 2024 for the offences under sections 126(2),115, 118(1), 117,109,303(2),352,351(2),351(3)r/w section 3(5) of the Bhartiya Nyaya Sanhita, 2023 alongwith sections 3(1)(r)(s) of the SC/ST Prevention of Atrocities Act, whereby and where



under the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution story, the allegation is that when the informant was walking with his friend in a college at Taraiya, the accused persons came and after taking caste name assaulted by iron rod/cricket wicket, hockey stick. This resulted into fracture in his both hands, went unconscious and taken by the local to the Primary Hospital, Taraiya. Later, he was referred to Sadar Hospital, Chapra and from there, to the PMCH/AIIMS, Patna. Finally, he had to undergo treatment at the Nursing Home of Dr. Ujjawal Kumar Verma and thereafter Dr. Ravi Kumar Amrit. This led to the FIR.

4. Learned counsel for the appellants submit that only due to rivalry, extended list of accused has been made, omnibus allegation is against these two appellants, there is nothing on record to show that any word has been uttered in the presence of public. Further, similar situate, **Nilesh Kumar** has been extended relief by a coordinate bench of this Court in **Cr. Appeal (SJ) No. 4669 of 2024 on 06.03.2025.**

5. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the appellants intend to contribute Rs.10,000/- each (totalling Rs.



20,000) through Demand Draft issued by the local branch State Bank of India/any Nationalized Bank to be submitted before the concerned Court to be handed over to the informant/injured after checking his credential.

6. Mr. Shashank Chandra representing the informant-respondent no.2 opposes the prayer submitting that though omnibus allegation is there, the assault resulted into fracture in both hands,he had to undergo treatment for two months, further, both the appellants have criminal antecedent.

7. Considering the submissions of the parties as also the fact that omnibus allegation is there, prima facie, the Act is not attracted, one of the co-accused Nilesh Kumar has been extended relief as recorded above, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.10,000/- each (totalling Rs. 20,000) through Demand Draft issued by the local branch State Bank of India/any Nationalized Bank to be submitted before the concerned Court to be handed over to the informant/injured after checking his credential.

8. Accordingly, the order dated 09.09.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Taraiya P.S. Case No. 310 of 2024



is set aside.

9. The criminal appeal is allowed.

10. Let the appellants be released on bail, in the event of their arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Taraiya P.S. Case No. 310 of 2024 to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;

(ii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the appellants shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the appellants shall appear before the concerned



police station every month for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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