

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4790 of 2023

Arising Out of PS. Case No.-838 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. VIJAY PASWAN SON OF MADHO PASWAN @ MADHO PASWA
RESIDENT OF VILLAGE - BELWA RAI KHAS, P.S. - TURKAULIA,
DISTRICT - EAST CHAMPARAN
 2. SUNIL PASWAN SON OF DEOKI PASWAN RESIDENT OF VILLAGE -
BELWA RAI KHAS, P.S. - TURKAULIA, DISTRICT - EAST
CHAMPARAN
 3. RAMAYAN PASWAN SON OF DHODHAI PASWAN RESIDENT OF
VILLAGE - BELWA RAI KHAS, P.S. - TURKAULIA, DISTRICT - EAST
CHAMPARAN
 4. PREMI PASWAN @ PREMIYA PASWAN SON OF BABULAL PASWAN
RESIDENT OF VILLAGE - BELWA RAI KHAS, P.S. - TURKAULIA,
DISTRICT - EAST CHAMPARAN
 5. SHAILI DEVI WIFE OF PREMI PASWAN RESIDENT OF VILLAGE -
BELWA RAI KHAS, P.S. - TURKAULIA, DISTRICT - EAST
CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SHIVPUJAN PASWAN SON OF KISHUNDEV PASWAN RESIDENT OF
VILLAGE - BELWA RAI KHAS, P.S. - TURKAULIA, DISTRICT - EAST
CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sunil Kumar No.III, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-11-2025 Heard learned counsel appearing for the appellants
and learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.



3. This appeal has been filed for setting aside order dated 16.03.2023 passed in a case registered for the offence punishable under Sections 341, 323, 324, 379, 354B, 307, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

4. As prosecution case, it is alleged that on 26.10.2021, all the F.I.R. named accused persons, including these appellants, assaulted informant and others with *farsa* and *lathi*.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Injuries, sustained by the injured, are simple in nature. There is no allegation of abuse by caste name and appellants also belong to SC/ST community and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants.



Appellants claim clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, nature of injuries sustained by the injured and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 16.03.2023 passed by the learned Special Judge, SC/ST Act, Motihari, East Champaran in connection with A.B.P. No. 97 of 2023 arising out of Turkauliya P.S. Case No. 838 of 2021 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 838 of 2021.

(Prabhat Kumar Singh, J)

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