

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4818 of 2024

Arising Out of PS. Case No.-380 Year-2024 Thana- NAUBATPUR District- Patna

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1. Ritesh Sharma @ Ritesh Kumar Son of Uday Sharma @ Uday Singh Resident of Sakin- Ajawa, P.S.- Naubatpur, District- Patna
 2. Nitesh Sharma @ Nitesh Kumar Son of Uday Sharma @ Uday Singh Resident of Sakin- Ajawa, P.S.- Naubatpur, District- Patna
 3. Uday Sharma @ Uday Singh Son of Late Janak Singh Resident of Sakin- Ajawa, P.S.- Naubatpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sri Kishun Ravidas @ Kishun Ra, Son of Lalji Ravidas Resident of Ajawa, P.S.- Naubatpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Anshuman, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Satyendra Kumar Bhatnagar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-05-2025 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the Respondent No. 2.

2. This appeal has been filed for setting aside order dated 12.09.2024, passed in a case registered for the offence punishable under Sections 126, 115(2), 117(2), 75, 303(2), 352, 351(2), 351(3) and 3 (5) of Bharatiya Nyaya Sanhita and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.



3. As per prosecution case, informant, namely Kishun Ravidas, alleged that on 09.07.2024 his son, namely Karn Kumar, and his friend, namely Sahil Kumar, were assaulted by these appellants, while purchasing slippers. It is further alleged that on 10.07.2024, accused persons came to house of informant, abused him by caste name and assaulted him and his family members including his brother, namely Lalan Kumar, as result of which his hand fractured. It is also alleged that accused persons snatched gold chain from neck of the informant's son. It is further alleged that during the occurrence, Appellant No. 3 instigated the attack.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, due to petty dispute, *maar-peeet* took place between the parties. Allegation of assault is general and omnibus and there is no specific accusation of overt act against these appellants. Injuries allegedly caused by this appellants are simple in nature. As per F.I.R., these appellants are not the author of the injuries sustained by Lalan Ram. It is not the case of the prosecution that any member of public was present at the alleged incidence and as such, no case under the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 12.09.2024 passed by the learned Special Judge, SC/ST Act, Patna in connection with A.B.P. No. 3174 of 2024 arising out of Naubatpur (Patna) P.S. Case No. 380 of 2024 is hereby set aside with respect to these appellants only.

7. 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 the learned Special Judge, SC/ST Act, Patna in connection with Naubatpur (Patna) P.S. Case No. 380 of 2024.

(Prabhat Kumar Singh, J)

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