

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4982 of 2023

Arising Out of PS. Case No.-656 Year-2021 Thana- GARKHA District- Saran

BAHARAN RAI @ NAGESHWAR RAI S/O SHANKAR RAI R/O VILL -
NARAYANPUR, P.S - GARKHA, DIST - SARAN AT CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. BADAL KUMAR S/O RAMA SHANKAR RAM R/O VILL -
NARAYANPUR, P.S - GARKHA, DIST - SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Dewendra Narayan Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 12-11-2025 Heard learned counsel appearing for the appellant 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 26.08.2023 passed in a case registered for the offence

punishable under Sections 147, 148, 149, 323, 324, 504 and 34

of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act,

whereby the prayer for anticipatory bail of the appellant has

been rejected.



4. As per prosecution case, on the alleged date and time of occurrence, on account of dispute over measurement of land, all the 18 F.I.R. named accused persons, including this appellant, abused informant and his family members by caste name and also assaulted them with deadly weapons.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, due to petty dispute over measurement of land, simple maar-peet took place. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. Injuries sustained by the injured are simple in nature. The alleged offence was not committed only on the ground that the informant belongs 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 appellant. Appellant claims 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 appellant, this appeal is allowed and the impugned order dated 26.08.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with A.B.P. No. 1433 of 2023 arising out of Garkha P.S. Case No. 656 of 2021 is hereby set aside with respect to this appellant only.

8. Accordingly, 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 learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with Garkha P.S. Case No. 656 of 2021.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

