

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5101 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- BALIGAON District- Vaishali

-
-
1. ASHOK KUMAR SAH SON OF GOPAL JEE SAH RESIDENT OF VILLAGE- GANNIPUR BHANPUR, PS- BALIGAON, DIST- VAISHALI
 2. HARISHANKAR SAH SON OF GOPAL JEE SAH RESIDENT OF VILLAGE- GANNIPUR BHANPUR, PS- BALIGAON, DIST- VAISHALI
 3. SANTOSH KUMAR SON OF BHANDARI SAH RESIDENT OF VILLAGE- GANNIPUR BHANPUR, PS- BALIGAON, DIST- VAISHALI
 4. VIKASH KUMAR SON OF BHANDARI SAH RESIDENT OF VILLAGE- GANNIPUR BHANPUR, PS- BALIGAON, DIST- VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Son of Kaleshwar Paswan R/o vill - Gannipur Bhanpur, P.S. - Baligaon, Distt. - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar , Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 03-07-2025 Heard learned counsel for the parties. Despite valid service of notice , no body appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 23.09.2023 passed in a case registered for the offence punishable under sections 341 , 323 , 504, 506, 354 and 379 of the Indian Penal Code and sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes Act whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , on 08.08.2023 at about 4.30 PM , all the accused persons including these appellants armed with weapon abused informant with caste name and on protest, accused persons caught informant and pressed his testicles and neck and when wife of informant came to rescue , accused persons assaulted her and disrobed her. It is further alleged that accused forcibly constructed hut on the land of informant and also snatched gold locket of Hanumanji worth Rs. 8,000/- and threatened with dire consequences.

4. It is submitted on behalf of these appellants that there is admitted land dispute in between the parties. Allegation is general and omnibus against these appellants. As a matter of fact, informant has captured/occupied land of appellants for which appellants have filed an application before *Sarpanch gram kachahri Baligaon Vaishali* i. e./ Annexure – 2 to the bail appeal, in which it was directed to the informant to vacate the land in question . Moreover, present case has been lodged only with a view to put pressure on appellants. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned Public Prosecutor for the State opposed



the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 Exclusive special Judge (sc / st Act) Cum Additional District & Sessions Judge Vaishali at Hajipur in connection with A B P No. 500 / 23 arising out of Baligaon Police Station Case No. 104 of 2023 .

(Prabhat Kumar Singh, J)

Koushik/-

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

