

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5361 of 2023

Arising Out of PS. Case No.-1439 Year-2018 Thana- BIHTA District- Patna

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1. JASWANT SINGH @ YASWANT SINGH @ JASWANT KUMAR @ SINGH SON OF SURESH SINGH R/O VILLAGE- MUSEPUR, P.S.- BIHATA, DIST.- PATNA
 2. SHRIKANT ISNGH @ SHRIKANT KUMAR SON OF SURESH SINGH R/O VILLAGE- MUSEPUR, P.S.- BIHATA, DIST.- PATNA
 3. CHAIYAN SINGH @ NITESH KUMAR @ NITISH KUMAR SON OF SURESH SINGH R/O VILLAGE- MUSEPUR, P.S.- BIHATA, DIST.- PATNA

... .. Appellant/s

Versus

1. The State of Bihar PATNA
2. PARMESHWAR RAM SON OF SURESH RAM R/O VILLAGE- MUSEPUR, P.S.- BIHTA, DIST.- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indeshwari Prasad Mandal , Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-07-2025 Heard learned counsel for the parties. Despite

valid service of notice , nobody appears on behalf of respondent

No. 2

2. This appeal has been filed for setting aside order dated 03.11.2023 passed in a case registered for the offence punishable under sections 341, 323, 448 504, 506, 34 and other allied sections of the Indian Penal Code and sections 3(i)(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 F.I.R. allegation against these appellants is that they along with other F.I.R named accused persons armed variously came at the house of informant and abused informant by caste name and also assaulted informant and others due to which informant and his family members sustained injuries.

4. It is submitted that appellants are innocent and have committed no offence as alleged. Allegation of assault is general and omnibus against these appellants. There is no injury report on record to substantiate the allegation of assault. It is not the case of informant that any member of public was present at the time of incident, as such no case under SC/ST Act is made out.

5 . Learned special 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, Patna in connection with Bihta Police Station



Case No. 1439 of 2018 .

(Prabhat Kumar Singh, J)

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