

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5380 of 2024

Arising Out of PS. Case No.-345 Year-2024 Thana- GORAUL District- Vaishali

-
1. Nand Kishore Sharma @ Nand Kishor Sharma S/O Ram Sagar Sharma Village- Rukhmanjari (Rukmanjari) P.O.- Rusulpur Korigaon P.S.- Goroul, District- Vaishali
 2. Santosh Kumar @ Santosh Sharma Son of Nand Kishore Sharma @ Nand Kishor Sharma Village- Rukhmanjari (Rukmanjari) P.O.- Rusulpur Korigaon P.S.- Goroul, District- Vaishali
 3. Rahul Kumar S/O Nand Kishore Sharma @ Nand Kishor Sharma Village- Rukhmanjari (Rukmanjari) P.O.- Rusulpur Korigaon P.S.- Goroul, District- Vaishali
 4. Rohit Kumar @ Chhotu Kumar S/O Nand Kishore Sharma @ Nand Kishor Sharma Village- Rukhmanjari (Rukmanjari) P.O.- Rusulpur Korigaon P.S.- Goroul, District- Vaishali
 5. Munna Kumar S/O Nand Kishore Sharma @ Nand Kishor Sharma Village- Rukhmanjari (Rukmanjari) P.O.- Rusulpur Korigaon P.S.- Goroul, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Kumar S/O Chulhai Ram Village- Rukhmanjari (Rukmanjari) P.O.- Rusulpur Korigaon P.S.- Goroul, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subhash Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 20-11-2025 Despite filing *Vakalatnama*, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 30.10.2024 passed by learned Exclusive Special Judge, SC/ST



Act-cum-Additional District & Sessions Judge, Vaishali at Hajipur in ABP No. 2516 of 2024 arising out of Goraul P.S. Case No. 345 of 2024 registered under Sections 127(1), 115(2), 118(1), 303(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. Prosecution case, in brief, is that on 04.09.2024 at about 4 PM, these appellants abused informant by caste name and assaulted him with iron rod and sword.

5. Learned counsel for the appellants submits that both parties are close-door neighbours and due to dispute over pathway, altercation took place between them in which both sides sustained injuries. Injuries sustained by the injured are simple in nature. Allegation against appellants is general and omnibus. No specific allegation of any overt act against the appellants. It is not the case of informant that alleged incident occurred within public view and as such, no case under SC/ST Act is made out against these appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.



7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 345 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 30.10.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

Navya/-

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

