

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5585 of 2023**

Arising Out of PS. Case No.-195 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. Shail Devi WIFE OF Janardan Singh Village- Vishunpura Ps -Chapra Muffasil Dist- Saran
2. SUMAN DEVI WIFE OF SUMIT SINGH @ PINKU SINGH Village- Vishunpura Ps -Chapra Muffasil Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. AMRIKA BAITHA SON OF LATE BANARSHI BAITHA Village- Vishunpura Ps -Chapra Muffasil Dist- Saran

... .. Respondent/s

**Appearance :**

|                      |   |                                             |
|----------------------|---|---------------------------------------------|
| For the Appellant/s  | : | Mr. Narendra Kumar, Advocate                |
| For the Respondent/s | : | Mr. Sadanand Paswan, Spl. Public Prosecutor |
| For the R.No. 2      | : | Mr. Sanjay Kumar Singh, Advocate            |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      01-05-2025                      Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 08.08.2023 passed by learned Additional Sessions Judge 3<sup>rd</sup> cum Exclusive Special Judge, SC/ST, Saran in connection with Chapra Muffasil P.S. Case No. 195 of 2022, registered under Sections 341, 323, 324, 354, 504/34 of the Indian Penal Code and Section 3(i)(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.

3. As per prosecution case, on 21.02.2022 at 12:30 PM, while informant was at his house, all the F.I.R. named accused



persons including these appellants, armed with brick, *danda* etc. came there, assaulted informant and abused him by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that due to land dispute between the parties, simple occurrence of *maar-peet* took place. Allegation of assault is general and omnibus. Injuries allegedly caused by these appellants are simple in nature. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants are ladies and claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation and clean antecedent, 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 Additional Sessions Judge 3<sup>rd</sup> cum Exclusive Special Judge, SC/ST, Saran in connection with Chapra Muffasil P.S. Case No. 195 of 2022.



7. Accordingly, this criminal appeal is allowed and impugned order dated 08.08.2023 is set aside with respect to these appellants only.

**(Prabhat Kumar Singh, J)**

Navya/-

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