

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5638 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- Kumarbagh District- West Champaran

1. Safi Akhtar S/O Sabir Mian @ Mohammad Shabbir Ahmad @ Shabbir Ahmad Resident of village- Bankatwa, ward no. 2, P.S.-Kumarbagh, District- West Champaran.
2. Ajad Alam @ Abdul Ajad S/O Sabir Mian @ Mohammad Shabbir Ahmad @ Shabbir Ahmad Resident of village- Bankatwa, ward no. 2, P.S.-Kumarbagh, District- West Champaran.
3. Faiyaz Alam @ Faiaz Ahmad S/O Sabir Mian @ Mohammad Shabbir Ahmad @ Shabbir Ahmad Resident of village- Bankatwa, ward no. 2, P.S.-Kumarbagh, District- West Champaran.
4. Sabir Mian @ Mohammad Shabbir Ahmad @ Shabbir Ahmad S/O Late Jal Miya @ Late Jai Miya Resident of village- Bankatwa, ward no. 2, P.S.-Kumarbagh, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manejar Baitha S/O Late Narayan Baitha R/O Village- Bankatwa, P.S.-Kumarbagh, Distt.- West Champaran.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2025 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 126 (2), 115 (2), 303 (2), 351 (2), 352 and 3 (5) of BNS 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 the prosecution case , informant namely, Manejar Baitha alleged that on 24.09.2024 at about 7 O'Clock, all the F.I.R. named accused persons including these appellants in drunken condition came on *ghota* of informant and upon protest, accused persons abused by caste name and assaulted informant by fists, slaps and lathi and during course of assault, Appellant No. 2 and co-accused *Aurangjeb Alam* pressed the neck of informant with towel and appellant No. 3 assaulted him with *farsa* and appellant No. 1 assaulted him with dab and also threatened him with dire consequences.

4. It is submitted on behalf of these appellants that due to dispute over pathway , a free fight took place between both the parties in which both sides sustained injuries. Case and counter case . Injuries sustained by the injured are simple in nature . 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 against these appellants. Appellants claim clean antecedent.

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 District and Additional Sessions Judge 1st – cum – special Judge(SC / ST) Bettiah West Champaran in connection with Kumarbagh Police Station Case No. 73 of 2024 .

(Prabhat Kumar Singh, J)

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