

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.63 of 2024

Arising Out of PS. Case No.-520 Year-2023 Thana- BIDUPUR District- Vaishali

-
-
- 1 . Satish Sah Son of Lagan Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali
 2. Kishandeo Sah @ Kisundev Sah Son of Late Kamal Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali
 - 3 . Pramod Sah Son of Kisan Deo Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali
 4. Raj Kumar Sah @ Raja Babu Son of Kisan Deo Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali
 - 5 . Vinod Sah Son of Kisan Deo Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali
 6. Sumit Kumar @ Sujeet Kumar Son of Mahesh Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali
 7. Doman Sah @ Gudu Kumar Sah Son of Late Umesh Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali
 - 8 . Indra Devi Wife of Binod Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali
 9. Guriya Devi Wife of Pramod Sah Resident of Village- Bidurpur Ward No. 6 P.S.- Bidurpur District- Vaishali

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Kanti Devi Wife of Jogranath Ram Resident of Village- Bidurpur P.S.- Bidurpur Bazar District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar , Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

For informant : Mr. Vijay Kumar , Advocate



CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-07-2025 At the outset, learned counsel for the appellants seek permission to withdraw bail appeal of appellant Nos. 2 and 5 .

2. Permission is accorded.

3 . The bail appeal of appellant Nos. 2 and 5 is dismissed as withdrawn .

4. Heard learned counsel for appellants Nos. 1 , 3 , 4, 6, 7, 8 and 9 , learned counsel for the respondent No. 2 and learned special Public Prosecutor.

5 . This appeal has been filed for setting aside order dated 31.10.2023 passed in a case registered for the offence punishable under sections 341, 323, 324, 325 , 379, 504, 506 and 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.

6. As per the prosecution case , on the alleged date and time of occurrence , informant namely Kanti devi alleged that while her son was way to home , in the meantime , all the accused persons including these appellants armed with lathi,



farsa , abused him by caste name and assaulted informant and her family members, as a result of which 2 of them sustained grievous injuries. It is further alleged that co-accused persons also snatched mobile phone of one Arvind Kumar.

7. It is submitted that appellants are innocent and have committed no offence as alleged. Specific accusation of overt act is against other co-accused persons and so far as, these appellants are concerned, allegation of abuse by caste name and assault is general and omnibus against them. It is not the case of the informant that any member of public was present at the time of incident, and as such no case under SC/ST Act is made out. Appellants claim clean antecedent.

8 . Learned counsel for the respondent No. 2 and learned Public Prosecutor for the State opposed the prayer for bail.

9. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant Nos. 1 , 3 , 4, 6, 7, 8 and 9 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 Vaishali at Hajipur in
connection with Bidupur Police Station Case No. 520 of
2023 .

(Prabhat Kumar Singh, J)

Koushik/-

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

