

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.115 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- GHOSWARI District- Patna

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- 1 . PARBATI DEVI WIFE OF KRISHNA MAHTO R/O VILLAGE- BALWA,
P.S.- GHOSWARI, DIST.- PATNA
 2. KARTIK KUMAR SON OF KRISHNA MAHTO R/O VILLAGE- BALWA,
P.S.- GHOSWARI, DIST.- PATNA

... .. Appellant/s

Versus

- 1 . THE STATE OF BIHAR PATNA
2. KARI DEVI W/O TUNTUN RAJAK R/O VILLAGE- BALWA, P.S.-
GHOSWARI, DIST.- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niranjana Prasad Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2025 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 17.10.2023 passed in a case registered for the offence
punishable under sections 341 , 323 , 337, 308 , 504 and 34 and
other allied sections of the Indian Penal Code and sections 3(i)
(r)(s)/3(2)(v)(a) 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 ,



Kari devi alleged that on 25.06.2023 , all the accused persons including these appellants abused informant by caste name and pelted stone on informant and others due to which they sustained injuries.

4. It is submitted that both parties are co – villagers and due to boundary dispute , quarrel took place between the parties. Allegation of assault and abuse by caste name is general and omnibus against these appellants. Injury allegedly caused by these appellants is simple in nature i. e., Annexure 2 to the bail appeal. It is not the case of informant that any member of public 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.

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



Court SC / ST Act Patna in connection with Ghoswari Police
Station Case No. 121 of 2023 .

(Prabhat Kumar Singh, J)

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