

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.60 of 2024

Arising Out of PS. Case No.-297 Year-2019 Thana- FATUA District- Patna

-
1. BAHADUR SINGH @ BAHADUR PRASAD SINGH SON OF LATE SARYUG SINGH RESIDENT OF VILLAGE - DUMARI, P.S. - FATUHA, DISTRICT - PATNA
 2. KAPIL PRASAD @ KAPILDEO PRASAD SON OF BAHADUR SINGH @ BAHADUR PRASAD SINGH RESIDENT OF VILLAGE - DUMARI, P.S. - FATUHA, DISTRICT - PATNA
 3. SABAL YADAV @ SABAL SINGH SON OF BAHADUR SINGH @ BAHADUR PRASAD SINGH RESIDENT OF VILLAGE - DUMARI, P.S. - FATUHA, DISTRICT - PATNA
 4. NITISH KUMAR SON OF SABAL YADAV RESIDENT OF VILLAGE - DUMARI, P.S. - FATUHA, DISTRICT - PATNA
 5. RAJU PRASAD YADAV @ RAJU KUMAR SON OF KAPIL PRASAD @ KAPILDEO PRASAD RESIDENT OF VILLAGE - DUMARI, P.S. - FATUHA, DISTRICT - PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAMDAHIN PASWAN SON OF LATE RAMESHWAR PASWAN RESIDENT OF VILLAGE - DUMARI, P.S. - FATUHA, DISTRICT - PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Anjana, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For respondent No. 2	:	Mr. Abhay Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 11.12.2023 passed in a case registered for the offence punishable under sections 341, 323, 147, 149 and 504 other allied sections of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely Ramdahin Paswan alleged that on 15.05.2019 at 07:0 AM , all the accused persons including these appellants abused informant by caste name and assaulted him and when informant opposed the same , then accused persons cut off her wheat and sugarcane plantation and sealed the sewage and tried to occupy the land of informant. It is further alleged that petitioner No. 1 also threatened informant with dire consequences.

4. It is submitted that these appellants are innocent and have committed no offence as alleged. There is admitted land dispute in between the parties for which Title suit bearing TS No. 34 of 2005 is pending in the Court of Munsif Patna City and only with a view to put pressure upon these appellants , this false and concocted case has been lodged against these appellants. Allegation of assault is general and omnibus. Rest of the allegations are ornamental in nature . It is not the case of the 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 as well as



learned counsel for the respondent No. 2 opposed the bail appeal.

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 Judge, SC/St, (POA) Act Patna in connection with Fathua Police Station Case No. 297 of 2019.

(Prabhat Kumar Singh, J)

Koushik/-

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

