

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.732 of 2025

Arising Out of PS. Case No.-414 Year-2024 Thana- KHAGAUL District- Patna

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1. Binod Prasad Son of Late Ramkripal Prasad @ Ram Kripal Prasad Village- Dally Chak, Baniya Ka Gali, P.S.- Khagaul, District- Patna
 2. Nitu Devi Wife of Binod Prasad Village- Dally Chak, Baniya Ka Gali, P.S.- Khagaul, District- Patna
 3. Rahul Kumar son of Binod Prasad Village- Dally Chak, Baniya Ka Gali, P.S.- Khagaul, District- Patna
 4. Buntly Kumar @ Rajnish Kumar son of Binod Prasad Village- Dally Chak, Baniya Ka Gali, P.S.- Khagaul, District- Patna
 5. Reena Devi wife of Late Sachidanand Prasad Village- Dally Chak, Baniya Ka Gali, P.S.- Khagaul, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Kumari Daughter of Late Moti Lal village- Dally Chak, Baniya Ka Gali, Ps- Khagaul, Dist- patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Girish Chandra, Mr. Gunsagar Mahto, Adv

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-04-2026 Heard learned counsel for the appellants, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 21.01.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in ABP No. 5013 of 2024 arising out of Khagaul P.S. Case No. 414 of 2024 registered under Sections 126, 115(2), 352, 251(2) of the Bharatiya Nyaya Sanhita and Section 3(1)(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 F.I.R., these appellants assaulted and abused the informant and others by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. On account of dispute with regard to pathway, altercation took place between the parties. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against the appellants. It is not the case of informant that any member of public was present at the place of occurrence and as such, no case under SC/ST Act is made out against the appellants.

5. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

6. Considering the aforesaid facts, 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 learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in ABP No. 5013 of 2024 arising out of Khagaul



P.S. Case No. 414 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 21.01.2025 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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