

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.962 of 2024

Arising Out of PS. Case No.-472 Year-2023 Thana- BARAUNI District- Begusarai

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1. Amit Kumar, Son Of Sri Vidyanand Rai Resident Of Village - Pipra Devas, P.S. - Barauni, District - Begusarai
 2. Sumit Kumar, Son Of Sri Vidyanand Rai Resident Of Village - Pipra Devas, P.S. - Barauni, District - Begusarai

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kari Sada Son Of Late Mishri Resident Of Village - Pipra Devas, P.S. - Barauni, District - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Shanker Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 30-06-2026 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The learned counsel for the appellants submits that a jointness application has been filed wherein it has been specifically pleaded that wife resides with the respondent no.2, who had received the notice on their behalf, as such, the notice is deemed to be validly served.

3. The appellants have challenged the order dated 31.01.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with ABA No.160 of 2024 arising out of Barauni P. S. Case No.472 of 2023,



instituted for the offences under Sections 147, 148, 149, 323, 379, 427, 448, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)(g), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

4. The learned counsel appearing on behalf of the appellants submits that appellants have antecedent of one case, but then the said case was instituted subsequent to filing of the instant appeal for the same land dispute. It is next submitted that that informant alleges that on 15.07.2023 at about 8.00-9.00 P.M. Kaushal along with other co-accused persons came variously armed and Kanhaiya started abusing by taking caste name and assaulted Munni Devi causing injury on head. Further, on orders of Kaushal, all the accused looted the household articles as detailed in the FIR and Mohan, Durgesh, Rakesh and Aditya along with their tractor destroyed the crops and bricks.

5. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that on account of dispute relating to land, the occurrence is alleged to have taken place. It is further submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the informant alleges



that accused persons came to his house where the occurrence is alleged to have taken place. It is also submitted that allegation of abuse and assault is general and omnibus in nature. It is next submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest.

6. The learned Special P.P. is not in a position to rebut the said submission of the learned counsel appearing on behalf of the appellants.

7. Regard being had to the aforesaid submissions, the order dated 31.01.2024 is set-aside.

8. The appeal stands allowed.

9. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with ABA No.160 of 2024 arising out of Barauni P. S. Case No.472 of 2023, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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