

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1643 of 2023

Arising Out of PS. Case No.-437 Year-2022 Thana- NAUBATPUR District- Patna

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1. FULWA DEVI @ FULA DEVI wife of Ganesh Kewat Resident of Village- Salarpur P.S.- Naubatpur Dist- Patna
 2. AJAY KEWAT SON OF SHARDA KEWAT Resident of Village- Salarpur P.S.- Naubatpur Dist- Patna
 3. SHOBHA DEVI @ SHOBHA KUMARI WIFE OF PAPPU KEWAT Resident of Village- Salarpur P.S.- Naubatpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Guriya Kumari wife of Jai Prakash Paswan Village- Salarpur Ps- Naubatpur Dist- Patna

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Rakesh Kumar Sharma, Advocate Mr. Kedar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Dharendra Prasad Sinha, Advocate Ms. Rina Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 09-07-2026 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 23.01.2023 passed in a case registered for the offence punishable under Sections 341, 323, 325, 307, 504 and 34 of the



Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. As per prosecution case, on 04.07.2022, all the F.I.R. named accused persons, including these appellants, in inebriated condition, were abusing informant and her family members and upon protest, they assaulted informant. It is further alleged that when the informant raised alarm and her family members came to rescue her, the accused persons assaulted them and abused them with caste based slurs.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, both parties are co-villagers and on account of petty dispute, *maar-peet* took place between the parties in which both sides sustained injuries. There is case and counter-case. Allegation of assault and abuse by caste name is general and omnibus and no specific accusation of overt act has been levelled against these appellant. Doctor has found the injuries, allegedly caused by these appellants, simple in nature. It is further submitted that it is not the case of the prosecution that any member of public was



present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties, nature of injuries allegedly caused by these appellants and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 23.01.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 9330 of 2022 arising out of Naubatpur P.S. Case No. 437 of 2022 is hereby set aside with respect to these appellants only.

7. Accordingly, 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



learned Exclusive Special Court, SC/ST Act, Patna in
connection with Naubatpur P.S. Case No. 437 of 2022.

(Prabhat Kumar Singh, J)

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