

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3140 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

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1. Raushni Kumar @ Roshni Kumari W/o- Sandeep Kushwaha @ Sandeep Kumar Village- Sareya Baduraha Ps- Dumariyaghat Dist- East Champaran
 2. Uma Kushwaha @ Uma Prasad son of Nageshwar Kushwaha Village- Sareya Baduraha Ps- Dumariyaghat Dist- East Champaran
 3. Parvati Kunwar wife of Late Satyadeo Kushwaha @ Late Satydev Prasad Kushwaha Village- Sareya Baduraha Ps- Dumariyaghat Dist- East Champaran
 4. Pavan Kumar son of Gopal Kushwaha Village- Sareya Baduraha Ps- Dumariyaghat Dist- East Champaran
 5. Tara Devi wife of Uma Kushwaha @ Uma Prasad Village- Sareya Baduraha Ps- Dumariyaghat Dist- East Champaran
 6. Sandeep Kushwaha @ Sandeep Kumar son of Late Satyadeo Kushwaha @ Late Satydev Prasad Kushwaha Village- Sareya Baduraha Ps- Dumariyaghat Dist- East Champaran
 7. Bibha Devi wife of Radha Kushwaha Village- Sareya Baduraha Ps- Dumariyaghat Dist- East Champaran
 8. Abhay Kushwaha @ Abhay Kumar son of Kishun Kushwaha Village- Sareya Baduraha Ps- Dumariyaghat Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishwakarma Ram son of Suresh Ram Village Kushwaha Gram Bhavanipur Ps- Sangrampur Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Karandeep Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Sudhanshu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 15-01-2026 Heard learned counsel for the appellants, respondent
no. 2 and the State.

2. This appeal has been filed against the order dated



19.06.2024 passed by learned Special Judge, SC/ST, East Champaran, Motihari in ABP No. 2509 of 2024 arising out of Dumariyaghat P.S. Case No. 107 of 2024 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(1)(r)(s) 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 along with other named accused persons abused informant by caste name. Upon objection, the accused persons assaulted informant with fist, *lathi* and slaps and snatched Rs. 2,000/- from his pocket.

4. Learned counsel for the appellants submits that on account of land dispute, simple altercation took place between the parties in which both sides sustained injuries. Allegation against appellants is general and omnibus and there is no specific accusation of any overt act against them. It is not the case of informant that alleged incident occurred within public view and as such, no case under SC/ST Act is made out against the appellants.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.



6. Considering the nature of accusation and other facts and circumstances of the case, 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 Special Judge, SC/ST, East Champaran, Motihari in ABP No. 2509 of 2024 arising out of Dumariyaghat P.S. Case No. 107 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 19.06.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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