

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3276 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- NADI P.S. District- Patna

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1. Sanjeet @ Sanjeet Kumar @ Lotha Kumar Son of Laljeet Prasad @ LALJIT RAY R/O Vill.- Jethuli, P.s.- Nadi, Dist.- Patna
 2. Budhan Rai @ Budhani Rai @ Budhani Prasad Son of Laljeet Prasad @ Laljit Ray R/O Vill.- Jethuli, P.s.- Nadi, Dist.- Patna

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Rajesh Das Son of Rajkumar Das R/O Vill.- Jethuli, P.s.- Nadi, Dist.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhimanyu Deo
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 21-04-2026 Heard learned counsel for the appellant, learned Spl.
P.P., Mr.Binay Krishna, appearing for the State.

2. This appeal is an Appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 19.06.2024, passed by learned Exclusive Special Judge SC/ST (POA) 1989 Act, Patna, in connection with Nadi P.S. Case No. 106 of 2024, registered for the offence punishable under Sections 341, 342, 323, 448, 504, 506 & 34 of the I.P.C. and Sections 3(1)(r) (s)/ 3(2)(v a)(w) SC/ST (POA) 1989 Act.

3. Learned counsel appearing on behalf of the appellants submits that notice on behalf of respondent No.2 has been received by his uncle, it is submitted that informant and his



uncle are jointness and jointness application has been filed.

4. In view of the fact that the jointness application has been filed, the notice is deemed to be validly served.

5. It is next submitted that appellants have antecedent of one case and the informant alleges that on 01.04.2024, Bittu, Sanjeet, Budhani Ram were quarreling with their father, hence the younger brother of the informant, namely, Bhola, asked them not quarrel, on which Bittu caught his collar and assaulted by fists, Lalpari got injury over his left eye, thereafter, all the three brother entered the house of the informant and abused by taking caste name and Sanjeet pelted stone causing injury on informant's head.

6. The learned counsel for the appellants submits that the appellants have falsely been implicated in the instant case by the informant, it is next submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that the informant alleges that Sanjeet, Bittu and Budhni were quarreling with their father on which Bhola, the younger brother of the informant objected when the occurrence to have been taken place, it is also submitted that as far as allegation of abuse is alleged, the same is general and omnibus in nature and the informant alleges that all the three brothers entered her house and thereafter abused, as such, the abuse was not not in public view, it is further submitted



that as far as allegation of assault is alleged, the same is exonerating allegation, it is next submitted that no doubt an altercation took place in which both sides assaulted each other but then the assault is not with an intent that the side of the informant belongs to SC/ST category. It is further submitted that no specific allegation is alleged against the appellant No2, it is next submitted that this perhaps explain that why informant despite receiving notice chooses not to appear and contest.

7. The learned A.P.P. for the State vehemently opposes the prayer for bail.

8. Considering the above, the impugned order 19.06.2024 is set aside and this appeal stands allowed.

9. Considering the aforesaid fact, let the appellants, above named, be released on bail on furnishing bail bond of Rs.5,000/- (Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Nadi P.S. Case No. 106 of 2024.

(Satyavrat Verma, J)

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