

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3035 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- RASULPUR District- Saran

SHYAM NARAIN SINGH Son of Late Pratrika Singh Resident of village -
Surat Chapra, P.S.- Rasulpur, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Saroj Devi Wife of Shree Kishun Sah Resident of village - Surat Chapra,
P.S.- Rasulpur, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-04-2026 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
08.08.2022 passed by learned Additional Sessions Judge 3rd ,
Saran at Chapra in ABP No. 2452 of 2022 arising out of
Rasulpur P.S. Case No. 115 of 2022 registered under Sections
341, 323, 504, 506, 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
appellant has been rejected.



4. As per prosecution case, cow of the informant strayed in the wheat field of the appellant and damaged his crops and when appellant protested, all the F.I.R. named accused persons abused informant by caste name and assaulted her.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. As a matter of fact, due to cattle grazing, 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 appellant. 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 appellant. Appellant claims clean antecedent.

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

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd, Saran at Chapra in ABP No. 2452 of 2022 arising out of Rasulpur P.S. Case No. 115 of 2022.



8. Accordingly, this criminal appeal is allowed and impugned order dated 08.08.2022 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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