

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3503 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- MAHUA District- Vaishali

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1. Dipak Kumar @ Dipak Kumar Singh Son of Ganesh Singh Village- Bhagwatpur Tarawera Ps- Mahua Dist- vaishali
 2. Ganesh Singh Son of Satyanarayan Singh Village- Bhagwatpur Tarawera, P.S.- Mahua, Dist.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Dasrath Das son of Late Sahdeo Das Village- Bhagwatpur Tarara Ps- Mahua Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No. 2	:	Ms. Sudha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 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 22.05.2024 passed by learned Exclusive Special Judge, SC/ST cum Addl. District & Sessions Judge, Vaishali at Hajipur in ABP No. 1161 of 2024 arising out of Mahua P.S. Case No. 146 of 2024 registered under Sections 147, 148, 149, 341, 323, 324, 379, 325, 354B, 307, 427, 447, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s), 2(va), 3(1)(w)(i) 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., on 25.03.2024 at about 2.05 PM, while informant was sitting at his door, these appellants along with other named accused persons and 20-25 unknown persons came there and abused informant by caste name and co-accused Rahul Singh assaulted him by means of iron rod and other accused persons assaulted his family members. It is further alleged that the accused persons also snatched Rs. 5,000/- from the pocket of informant.

4. Learned counsel for the appellants submits that specific accusation of assault is against co-accused Rahul Singh who is alleged to have assaulted informant with iron rod. Allegation against appellants is general and omnibus and there is no specific accusation of any overt act against them. It is further submitted that alleged incident occurred inside the house of informant and not within public view as such, no case under SC/ST Act is made out against the appellants. Rest of the allegations are ornamental. Appellants claim clean antecedent.

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 clean



antecedent, 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 Exclusive Special Judge, SC/ST cum Addl. District & Sessions Judge, Vaishali at Hajipur in ABP No. 1161 of 2024 arising out of Mahua P.S. Case No. 146 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 22.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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