

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3213 of 2022**

Arising Out of PS. Case No.-182 Year-2022 Thana- AMBA District- Aurangabad

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1. Udal Kumar Singh S/O Jittu Singh Resident of Village-Ganghar, P.S.-Amba, District-Aurangabad
 2. Rakesh Kumar Singh @ Rakesh Kumar Son Of Binod Singh resident of village-ganghar, p.s.-Amba, District-Aurangabad
 3. Lallu Kumar Singh @ Lallu Kumar S/O Upendra Singh @ Upendra Kumar Singh resident of village-ganghar, p.s.-Amba, District-Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Praveen Kumar Murari Ram Village Baliyan P S Amba District Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

7 19-03-2026 Despite filing *Vakalatnama*, none appears on behalf of the respondent no. 2.

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

3. This appeal has been filed against the order dated 23.08.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Aurangabad in ABP No. 1423 of 2022 arising out of Amba P.S. Case No. 182 of 2022 registered under Sections 504, 341, 323/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the



prayer for anticipatory bail of appellants has been rejected.

4. As per F.I.R., mother of respondent no. 2, who is a member of Panchayat Samiti, was constructing Paver Block work at High School, Ghanghar. In the meantime, these appellants came there, abused respondent no. 2 by caste name, demanded commission and assaulted him.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. F.I.R. does not disclose the date and time of occurrence. As a matter of fact, respondent no. 2 is contractor of the work in question and these appellants who are co-villagers, raised questions regarding quality of the materials used in construction. In revenge, informant lodged this false and concocted case against the appellants. Allegation of assault is general and omnibus. There is no injury report on record to substantiate the allegations. It is not the case of informant that alleged incident occurred within public view as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

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

7. 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 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Aurangabad in ABP No. 1423 of 2022 arising out of Amba P.S. Case No. 182 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 23.08.2022 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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