

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4835 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- RAFIGANJ District- Aurangabad

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1. Brijendra Sao @ Bijendra Saw Son of Bhikhar Saw Resident of Village - Charkawan Haji, P.S.- Rafiganj, District - Aurangabad (Bihar)
 2. Bijay Sao Son of Bhikhar Saw Resident of Village - Charkawan Haji, P.S.- Rafiganj, District - Aurangabad (Bihar)
 3. Dipul Sao @ VIPUL KUMAR Son of Sanjay Saw Resident of Village - Charkawan Haji, P.S.- Rafiganj, District - Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Vimal Paswan Son of Ramnandan Paswan Resident of Village - Charkawan Haji, P.S.- Rafiganj, District - Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Leelawati Kumari, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor
For the R. No. 2	:	Mr. Gagan Deo Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-03-2026 Heard learned counsel for the appellants, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 19.03.2021 passed by learned 1st Additional District & Sessions Judge, Aurangabad in ABP No. 314 of 2021 arising out of Rafiganj P.S. Case No. 72 of 2021 registered under Sections 147, 149, 341, 323, 504 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., informant namely, Vimal Paswan alleged that on 04.03.2021, all the accused persons including these appellants came and started abusing and assaulting informant and his son . When son of informant, his brother raised objections, they were also assaulted by accused persons, as a result of which, son of informant sustained injuries.

4. Learned counsel for the appellants submits that assertion of title and possession over a piece of land, led to maarpeet between the parties, in which both parties inflicted injuries on each other. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against the appellants. 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. 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 aforesaid facts, 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, Aurangabad in ABP No. 314 of 2021 arising out of Rafiganj P.S. Case No. 72 of 2021.

7. Accordingly, this criminal appeal is allowed and impugned order dated 19.03.2021 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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