

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4247 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

1. Gautam Kumar @ Biku Singh son of Late Baneshwar Singh Village- Kosila PS -Magadh University District -Gaya
2. Subodh Singh son of Late Baneshwar Singh Village- Kosila PS -Magadh University District -Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Bitori Chaudhary Son of Late Doman Chaudhary Village- Kosila PS -Magadh University District -Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-04-2026 Despite valid service of notice, 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 21.08.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 260 of 2024 arising out of Magadh University P.S. Case No. 151 of 2024 registered under Sections 323, 354, 504, 506, 509/34 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



appellants has been rejected.

4. As per F.I.R., on 27.06.2024 at about 7:30 PM, all the F.I.R. named accused persons, including these appellants, assaulted informant with *lathi*, iron rod and fist and abused him by caste name. It is further alleged that when wife of the informant came to save him, the accused persons assaulted and disrobed her.

5. Learned counsel for the appellants submits that both parties are co-villagers and due to petty dispute, this false and concocted case has been lodged. Allegation against appellants is general and omnibus and there is no allegation of any specific overt act against them. F.I.R. has been lodged after inordinate delay of about 15 days which itself raises doubt over veracity of the prosecution case. 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 appellants. Appellants claim clean antecedent.

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

7. Considering the nature of accusation, delay in lodging the F.I.R. 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, Gaya in ABP No. 260 of 2024 arising out of Magadh University P.S. Case No. 151 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 21.08.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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