

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4643 of 2024

Arising Out of PS. Case No.-442 Year-2024 Thana- DIGHA District- Patna

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1. Goldi @ Shaurya Raj @ Shaurya Son of Vijay pandit @ Vijay Kumar Jha R/o -Shivaji Nagar, Makhdumpur, PS- Digha, Disttt- Patna
 2. Aditya @ Aditya Son of Vijay Pandit @ Vijay kr. Jha R/o -Shivaji Nagar, Makhdumpur, PS- Digha, Disttt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Godhan Paswan @ Brajesh Paswan Son of Heeralal Paswan Residence of Village- Kuteshwar, P.S.- Bihta, Distt.- Patna, presently R/o -Shivaji Nagar, Makhdumpur, PS- Digha, Disttt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rama Nand Poddar
For the State	:	Mr. Binay Krishna- Spl.P.P.
For the Informant	:	Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 09-02-2026 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 02.09.2024 passed by the learned Special Judge, SC/ST, Patna in connection with ABP No.3557 of 2024 arising out of Digha P. S. Case No.442 of 2024, instituted for the offences under Sections 126, 115(2), 117, 109, 352, 351(2), 351(4), 3(5) of the B.N.S. and Section 3(1)(r), 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their



prayer for grant of anticipatory bail has been rejected.

3. The Investigating Officer of the case, in compliance of the order dated 03.02.2026, is present in the Court.

4. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that accused persons including the appellants came and abused him by taking caste name on the pretext that water was falling from the tank. On objection, Vijay assaulted him by rod causing injury on head, thereafter Goldi and Aditya along with two unknown accused caught Vinod and Aditya assaulted Vinod by lathi causing injury on head.

5. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that as far as allegation of abuse is alleged, the same is general and omnibus in nature i.e. allegation of abusing is not specific. It is further submitted that on account of falling of water from the tank, an altercation took place in which both sides assaulted each other. It is further submitted that even the



injury suffered by the injured has been opined to be simple in nature and the blow is not alleged to have been repeated. It is further submitted that the assault took place not on account of the fact that informant belongs to a particular caste but since water was falling from the tank which led to an altercation leading to the occurrence, as such, in heat of moment both sides assaulted each other.

6. The Investigating officer of the case who is present in the Court also does not dispute the said submission of the learned counsel appearing on behalf of the appellants that the injury suffered by the injured has been opined to be simple.

7. The learned Special P. P. and the learned counsel for the informant oppose the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that allegation of abuse is not specific rather is general and omnibus in nature and an altercation took place on account of falling of water leading to a dispute giving rise to the occurrence, as such, the occurrence was not committed on the ground that informant belongs to a particular caste.

8. Regard being had to the aforesaid submissions, the order dated 02.09.2024 is set-aside.



9. The appeal stands allowed.

10. The appellants, above-named, in the event of their arrest or surrender within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned learned Special Judge, SC/ST, Patna in connection with ABP No.3557 of 2024 arising out of Digha P. S. Case No.442 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

11. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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