

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4992 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SC/ST District- Nawada

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1. Neeraj Kumar Son of Prasidh Ram Resident of Village- Hanuman Bigha PS -Kashichak District- Nawada
 2. Suman Kumar son of Awadhesh Ram Village- Hanuman Bigha PS -Kashichak District- Nawada
 3. Jitendra Ram son of Later Lalchand Ram Resident of Village- Hanuman Bigha PS -Kashichak District- Nawada
 4. Prasidh Ram @ Prasidhi Ram son of late Parmeshwar Ram Resident of Village- Hanuman Bigha PS -Kashichak District- Nawada
 5. Awadhesh Ram son of Late Parmeshwar Ram Resident of Village- Hanuman Bigha PS -Kashichak District- Nawada
 6. Abhijeet Kumar @ Gautam son of Awadhesh Ram Resident of Village- Hanuman Bigha PS -Kashichak District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi wife of Shailendra Paswan Village- Hanuman Bigha PS -Kashichak District- Nawada

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Madhuresh Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-04-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order



dated 20.09.2024 passed in a case registered for the offence punishable under Sections 341, 323, 380, 308 and 354B of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Usha Devi, alleged that on 20.12.2023 at about 6 PM, all the F.I.R. named accused persons, including these appellants, armed with weapons, came at her house and started abusing her by caste based slurs and assaulted her. It is further alleged that when her family members came to rescue, they were also abused by caste name and assaulted. It is further alleged that the accused persons also snatched gold chain from neck of daughter of informant and outraged her modesty.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, both parties are co-villagers and due to long standing land dispute, one after another false cases are being lodged by informant/Respondent No. 2 against appellants and others. There is long chequered history of criminal cases between the appellants and



informant/Respondent No. 2. Appellants have also registered three criminal cases against informant/Respondent No. 2 and her family members and the present case is counter-blast of Complaint Case No. 1394(C) of 2023 which was registered by daughter of Appellant No. 5, namely Awadhesh Ram, against relative of informant/Respondent No. 2, namely Uttam Kumar, who had made her obscene photo and videos viral on social media and only with a view to save their skin from the aforesaid case, this false and concocted case has been lodged. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and case and counter-case between the parties, this appeal is allowed and the impugned order dated 20.09.2024 passed by the learned



Exclusive Special Judge, S.C./S.T. (POA) Act, Nawadah in connection with A.B.P. No. 2408 of 2024 arising out of SC/ST Nawadah P.S. Case No. 15 of 2024 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T. (POA) Act, Nawadah in connection with SC/ST Nawadah P.S. Case No. 15 of 2024.

(Prabhat Kumar Singh, J)

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