IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5131 of 2024

CNR No. BRHC011111632024

Arising Out of PS. Case No.-309 Year-2024 Thana- BELAGANJ District- Gaya

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1. Rupesh Kumar @ Rupesh Singh son of Dinesh Singh VILL -RAUNA BABHAN TOLA, PS- BELAGANJ, DIST- GAYA BIHAR
2. Manish Singh son of Kamlesh Singh VILL -RAUNA BABHAN TOLA, PS- BELAGANJ, DIST- GAYA BIHAR
3. Bhaskar Singh Son of Sunil Singh VILL -RAUNA BABHAN TOLA, PS- BELAGANJ, DIST- GAYA BIHAR

... ... Appellant/s

Versus

1. The State of Bihar
2. Mahavir Paswan son of Mahesh Paswan VILL -RAUNA BABHAN TOLA, PS- BELAGANJ, DIST- GAYA BIHAR

... ... Respondent/s

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Appearance :
For the Appellants : Mr. Sunil Kumar Yadav, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP
For the Informant : N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

6 29-10-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite filing *Vakalatnama*, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 04.10.2024 passed in a case registered for the offence punishable under Sections 147, 149, 341, 323, 427, 504 and 506

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of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Mahavir Paswan, alleged that on 24.05.2024 at about 8 PM, all the F.I.R. named accused persons, including these appellants and about 30 unknown persons, took out a procession, entered Paswan Tola and abused the residents by caste name. It is further alleged that at about 9 PM, all the F.I.R. named accused persons, including these appellants, armed with weapons, abused and assaulted informant, his son and nephew. Co-accused Chandan Singh opened fire with his pistol and threatened informant of dire consequences. It is lastly alleged that the accused persons also damaged the signboard installed at Paswan chowk.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of firing is against co-accused Chandan Singh. So far as these appellants are concerned, there

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is general and omnibus nature of accusation and no specific allegation of overt act has been levelled against them. F.I.R. is against five named and thirty unknown persons. 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. Appellants claim clean antecedents.

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 clean antecedents of the appellants, this appeal is allowed and the impugned order dated 04.10.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 315 of 2024 arising out of Belaganj P.S. Case No. 309 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

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learned Exclusive Special Judge, SC/ST, Gaya in connection with Belaganj P.S. Case No. 309 of 2024.

(Prabhat Kumar Singh, J)

shashank/-

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