

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5265 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. Santosh Kumar @ Prashant Kumar Son of Prashuram Mahto R/O Village- Charkawan Haji, P.S.- Rafiganj, District- Aurangabad.
2. Avinesh Kumar Rai @ Avishek Kumar Son of Anil Kumar Rao @ Anil Raut @ Bahadur R/O Village- Charkawan Haji, P.S.- Rafiganj, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bali Paswan Son of Late Raghu Paswan R/O Village- Charkawan Haji, P.S.- Rafiganj, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellants	:	Ms. Mukul Kumari, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-04-2026 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 19.10.2024 passed in a case registered for the offence punishable under Sections 147, 148, 149, 427, 504 and 506 of the Indian Penal Code, Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act and Section 27 of the Arms Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Balli Paswan, alleged that on 03.09.2023 at about 11:30 PM, when he was sleeping along with his family members, in the meantime, all the F.I.R. named accused persons, including these appellants, entered in the house and started abusing by caste name and also threatened to kill him.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. The present case has been lodged after inordinate delay of two days and there is no plausible explanation for the same, which itself makes the entire prosecution case doubtful. Allegations are general and omnibus against all 15 F.I.R. named accused persons, including these appellants. It is further submitted that even as per F.I.R., the alleged incident took place inside the house of informant, which does not come within public view 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 19.10.2024 passed by the learned Special Judge (S.C./S.T.)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with A.B.P. No. 2255 of 2024 arising out of Rafiganj P.S. Case No. 397 of 2023 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 Special Judge (S.C./S.T.)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Rafiganj P.S. Case No. 397 of 2023.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

