

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5302 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- SC/ST District- Nalanda

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1. MUNNI DEVI WIFE OF RAJESH VISHWAKARMA RESIDENT OF VILLAGE - CHIHUT, P.S. - PARSA BAZAR, DISTRICT - PATNA
 2. RESHMI @ RESHMI DEVI @ RASHMI KUMARI WIFE OF RAKESH KUMAR SHARMA RESIDENT OF VILLAGE - ANISHABAD, P.S. - BEUR, DISTRICT - PATNA
 3. PRABHAT VISHWAKARMA @ PRABHAT KUMAR SON OF RAJESH VISHWAKARMA RESIDENT OF VILLAGE - CHIHUT, P.S. - PARSA BAZAR, DISTRICT - PATNA
 4. RAKESH KUMAR SHARMA SON OF SHYAMNANDAN SHARMA RESIDENT OF MOHALLA - ANISHABAD, P.S. - BEUR, DISTRICT - PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. INDU DEVI WIFE OF SITA RAM PASWAN RESIDENT OF CHANDUARA, P.S. - RAHUI (VENA), DISTRICT - NALANDA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Bhola Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 19-03-2026 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 02.11.2023 passed in a case registered for the offence punishable under Sections 147, 148, 323, 308, 379, 363, 354, 427, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i) and 3(2)(va) 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, on 14.11.2022, when the informant/Respondent No. 2 was at her house, in the meantime, all the F.I.R. named accused persons, including these appellants along with 2 unknown persons, came there and started assaulting her and when her husband came to save her, he was also assaulted and abused by caste based slurs. It is further alleged that the accused persons also destroyed the house hold articles and snatched silver chain.

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 with ulterior motive in retaliation to Beur P.S. Case No. 584 of 2022 which was lodged by one of the co-accused persons for kidnapping her daughter against son of the informant and others. 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. 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 02.11.2023 passed by the learned Additional District and Sessions Judge, Sixth, Biharsharif at Nalanda in connection with A.B.P. No. 1784 of 2023 arising out of SC/ST P.S. Case No. 45 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 Additional District and Sessions Judge, Sixth,



Biharsharif at Nalanda in connection with SC/ST P.S. Case No.
45 of 2023.

(Prabhat Kumar Singh, J)

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