

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1634 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- NAVINAGAR District- Aurangabad

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ARVIND KUMAR @ BITTU DUBEY Son of Pramod Dubey Resident of
Village - Pachmo, P.S. Navinagar (Badem O.P.), District - Aurangabad.
... .. Appellant/s

Versus

1. The State of Bihar
2. Asresh Kumar son of Yamuna Ram resident of village- Harchandpur, P.S.-
Nabinagar (Badem) District- Aurangabad
... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anand Sharan Mr. Shambhu Sharan Singh Mr. Shyamal Krishna Sinha
For the Respondent/s	:	Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 07-12-2022 Heard learned counsel for the appellant and learned

Special P.P. for the State. Despite valid service of notice, nobody
appears on behalf of respondent no. 2.

The present appeal has been filed against order dated
22.04.2022 passed by learned A.D.J.-I-cum-Special Judge
(SC/ST), Aurangabad in Nabinagar P.S. Case No. 74 of 2022
registered for the offence punishable under Sections 153,
153(A), 427, 500/34 of the Indian Penal Code and Section 3(1)
(r)(s)(f) of the Scheduled Castes and the Scheduled Tribes
(POA) Act (for short “SC/ST Act”), whereby the prayer for
anticipatory bail of appellant was rejected.

As per prosecution case, the informant suspects that
all the F.I.R. named accused persons including this appellant
have broken the right hand of the statue of Dr. Bhimrao



Ambedkar and also stolen the handle of hand-pump, situated besides the statue.

Learned counsel for the appellant submits that informant is not eye-witness of the occurrence. There is no allegation of abuse by caste name and as such, no offence under the SC/ST Act is made out. Appellant has been made accused only on suspicion. Appellant has got clean antecedent.

Learned Special P.P. opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the impugned order dated 22.04.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge (SC/ST), Aurangabad in connection with Nabinagar P.S. Case No. 74 of 2022.

(Prabhat Kumar Singh, J)

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