

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3705 of 2021**

Arising Out of PS. Case No.-7 Year-2021 Thana- SC/ST District- Rohtas

ROUSHAN KUMAR Son of Shekhar Singh Resident of Village- Nonho,
P.S.- Karakat (Gorari), District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dindayal Ram Son of Late Gopi Chandra Ram Resident of village- Nanho,
P.S.- Karakat (Godari) Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Pandey
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 28-09-2022 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
13.07.2021 passed by learned A.D.J.-I-cum-Special Judge,
Rohtas at Sasaram in SC/ST Dehri P.S. Case No. 7 of 2021
registered for the offence punishable under Sections 341, 323,
354(B), 504, 506 and 34 of the Indian Penal Code and Section
3(1)(r)(s) 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.

The accusation against this appellant and other co-



accused is of abusing and assaulting the informant because of his demanding money for eggs, which was consumed by the accused persons including the appellant.

Learned counsel for the appellant submits that F.I.R. has been lodged after five days of the occurrence, which makes the accusation absolutely suspect in the eyes of law. Injuries sustained by the informant are simple in nature. Insult caused to the informant is not based on caste and as such, no case under the SC/ST Act is made out. Learned counsel for the appellant further submits that one of the co-accused Dharmendra Kumar has already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 23.09.2021 passed in Cr.Appeal (SJ) No. 3566 of 2021. The appellant has got clean antecedent.

The appeal is opposed by learned Special P.P.

Considering the aforesaid facts and circumstances, the impugned order dated 13.07.2021 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 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 7 of 2021.

(Prabhat Kumar Singh, J)

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