

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.666 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- SC/ST District- Lakhisarai

ABHISHEK KUMAR Son of Hira Singh Resident of Village- Hasanpur, P.S.-
Kavaiya, Distt- Lakhisarai.

... .. Appellant

Versus

1. The State of Bihar
2. Raja Ram Paswan Son of Late Jidhu Paswan Resident of Village - Hasanpur,
P.S. and Distt.- Lakhisarai.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 29-03-2023 In spite of valid service of notice on respondent no.2 ,
nobody appears for him. Heard learned counsel for the appellant
and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 24.08.2020 passed by Additional Sessions Judge 1-cum-Special Judge, Lakhisarai SC/ST Act, in a case registered under sections 147, 149, 341, 323, 436, 504 and 506 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

As per the prosecution case, this appellant and other accused persons came to the house of the informant and abused by caste name and assaulted him and on protest they set his house on fire.

It is submitted on behalf of the appellant that there is



general and omnibus allegation against the appellant and no specific overt act has been alleged against him. It is not the case of the informant that any member of the public was present at the time of the incident, as such, no case under SC/ST Act is made out. Rest of the offence is ornamental. Appellant has got no criminal antecedent.

Counsel for informant and the State however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 24.08.2020 is set aside.

Let the appellant above-named, in the event of their arrest/surrender before the court below 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 the Learned Special Judge, SC/ST (POA) Act, Lakhisarai in Lakhisarai SC/ST P.S Case No. 26 of 2020.

(Prabhat Kumar Singh, J)

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