

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2017 of 2023**

Arising Out of PS. Case No.-115 Year-2022 Thana- MALI District- Aurangabad

PRAKASH KUMAR S/o- DHARMENDAR SINGH @ DHARMENDAR
KUMAR SINGH Village- Mirjapur Ps- Mali Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Navin KUMAR Paswan @ Karan Passwan son of Umesh Paswan Village-
Telhara Ps- Amba Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Leelawati Kumari, Advocate
For the Respondent/s : Ms. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 14-07-2023 1. Heard learned counsel for the appellant and
learned Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for **anticipatory bail** vide
order dated 01.02.2023 in A.B.P. No. 156 of 2023 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Aurangabad in connection with Mali P.S.
Case No. 115 of 2022 registered for the offences punishable
under Sections 147, 341, 323, 427, 504, 506 and 34 of the
Indian Penal Code as well as Sections 3(1)(r), 31(s), 3(2)(va) of



the SC/ST Act.

3. The informant alleges that he was leading a procession which was objected by the accused persons and they abused him by taking caste name and on objection he was assaulted and his vehicle damaged and Rahul was also injured

4. The learned counsel for the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the allegations are general and omnibus in nature i.e., no specific allegation is alleged against the accused persons as to who abused and assaulted. It is further submitted that FIR does not even remotely suggest that the occurrence was witnessed by any witnesses.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 01.02.2023 in A.B.P. No. 156 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Mali P.S. Case No. 115 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest



or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mali P.S. Case No. 115 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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