

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3563 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- PARBATTa District- Khagaria

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Raja Kumar Son Of Gopal Chaudhary Resident Of Village- Chak Prayag, Ps-
Parbatta, Distt- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Madhuri Das Son Of Malhu Das Resident Of Village- Udaypur, Ps- Parbatta,
Distt- Khagaria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
23.08.2023 but nobody appeared on behalf of the respondent
no.2.

3. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 10.07.2023 passed by learned Additional
Sessions Judge-1st Cum Special Judge, SC/ST Act, Khagaria in
connection with Parbatta P.S. Case No. 164 of 2023, registered



under Sections 341, 323, 325, 307 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, appellant is said to have assaulted on the head of the Govind Kumar by means of iron rod.

5. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellant and other co-accused persons to abuse the informant by taking the caste name. There is no specific overt act against the appellant. The injury found upon the injured person is simple in nature. Appellant has got one criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

7. In the facts and circumstances of the case and the fact that there is general and omnibus allegations levelled against the appellant to abuse the informant by taking the caste name, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six



weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st Cum Special Judge, SC/ST Act, Khagaria in connection with Parbatta P.S. Case No. 164 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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