

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4241 of 2023**

Arising Out of PS. Case No.-1117 Year-2021 Thana- PHULWARISHARIF District- Patna

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ROHIT KUMAR @ ROHIT RAJ SON OF DINESH KUMAR @ DINESH  
RAI R/O BALMICHAK NEAR PUNIT GAS GODWAN, PO-  
PHULWARISHARIF, PS- PHULWARI SHARIF, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. PAWAN KUMAR SON OF ASHOK KUMAR CHOUDHARY R/O  
SANKAT MOCHAN PATH, MITRA MANDAL COLONY, PS-  
PHULWARI SHARIF, DIST- PATNA

... .. Respondent/s

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**Appearance :**

|                      |   |                                                      |
|----------------------|---|------------------------------------------------------|
| For the Appellant/s  | : | Mr.Mohit Raj, Adv.                                   |
| For the Respondent/s | : | Mrs.Usha Kumari 1, Spl.P.P.<br>Mr.Yogesh Kumar, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      01-11-2023              Heard learned counsel for the appellant, learned counsel  
for the respondent no.2 and learned Spl.P.P. for the State.

2.      This is an appeal under section 14A(2) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act  
(hereinafter in short referred to as the 'SC/ST Act') against the  
refusal of prayer for anticipatory bail vide order dated  
15.07.2023, passed by learned Exclusive Special Judge, SC/ST,  
Patna, in connection with Phulwari Sharif P.S. Case No.1117 of  
2021, registered under sections 341, 323, 379, 504, 34 of the  
IPC and sections 3(i)(s) of the SC/ST Act.

3.      As per the prosecution case, all the F.I.R. named accused



persons including the appellant in course of search of someone came to the younger brother of the informant and when he denied to know anything, the accused persons started assaulting him with bat, chain and iron rod along with that they were abusing him with caste name.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation against the appellant to abuse the informant's brother with caste name. It is further submitted that the parties have compromised the matter. Appellant has no criminal antecedent.

5. Learned Spl. PP for the respondent no.2 fairly submits that the parties have compromised.

6. Considering the facts and circumstances of the case and that there is a compromise between the parties, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Patna, in connection with Phulwari Sharif P.S. Case No.1117 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

pallavi/-

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