

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.210 of 2024

Arising Out of PS. Case No.-567 Year-2023 Thana- BARUN District- Aurangabad

Tanu Kumar @Sumit Kumar Son Of Sunil Singh @ Sunil Kumar Singh
Resident Of Village- Mastul Barun, Ps- Barun, Distt- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhay Kumar Son Of Arjun Paswan D Resident Of Village- Mastul Barun,
Ps- Barun, Distt- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjit Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor Mr. Lal Bahadur Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-09-2024 Heard learned counsel for the appellant, respondent
No. 2 and the State.

2. This criminal appeal has been filed against the order dated 21.12.2023 passed by learned Special Judge (SC/ST)-cum- 1st Additional District & Sessions Judge, Aurangabad in ABP No. 2238 of 2023 in connection with Barun P.S. Case No. 567 of 2023, registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per prosecution case, on the alleged date and



time of occurrence, all the F.I.R. named accused persons including this appellant abused informant by caste name and assaulted him with lathi.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. Allegation of assault is general and omnibus. Specific accusation of assault is against co-accused Mehat Kumar. F.I.R. is silent about who, member of the public, was present when the incident occurred, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special 1st Judge (SC/ST)-cum- 1st Additional District & Sessions Judge, Aurangabad in connection with Barun P.S. Case No. 567 of 2023.



7. Accordingly, the impugned order dated 21.12.2023
is set aside and this criminal appeal is allowed with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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