

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.535 of 2024

Arising Out of PS. Case No.-809 Year-2023 Thana- MANER District- Patna

Abhishek Kumar Son of Mahendra Singh Resident of Village-Bajitpur, P.S.-
Maner, Distt.-Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ramnath Ram Son of Khesari Ram Resident of Village-Bajitpur, P.S.-Maner,
Distt.-Patna, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gaurav Kumar Verma, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Despite filing *Vakalatnama*, none appears on behalf
of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 13.11.2023 passed by learned Exclusive Special
Judge, SC/ST, Patna in connection with Maner P.S. Case No.
809 of 2023, registered under Sections 341, 323, 504, 506/34 of
the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of appellant has been
rejected.



4. As per prosecution case, on 12.11.2023, all the F.I.R. named accused persons including this appellant, entered the premises of school on the occasion of Laxmi Puja and started abusing informant by caste name and threatened with dire consequences. Thereafter, on 13.11.2023, all the accused persons assaulted brother and son of informant.

5. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to village politics. Both parties are co-villagers. Allegation of assault and abuse is general and omnibus. No specific overt act is alleged against appellant. F.I.R. does not disclose presence of any member of public when the incident occurred, as such, no offence under SC/ST Act is made out against appellant. It is further submitted that similarly situated co-accused have already been granted anticipatory bail by this Hon'ble Court *vide* order dated 12.09.2024 passed in Cr. Appeal (SJ) No. 316 of 2024. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight 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 Exclusive Special Judge, SC/ST, Patna in connection with Maner P.S. Case No. 809 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 13.11.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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