

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.634 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- SC/ST District- Purnia

Vikash Kumar @ Bikash Yadav Son Of Late Mahendra Yadav Resident Of
Village- Bhasara, Ps- Barhara Kothi, Dist- Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Govind Paswan Son Of Late Sanichar Paswan Resident Of Village- Dewari,
Ps- Barhara Kothi, Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor Md. Fazle Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 12.12.2023 passed by learned Special Court, SC/ST Act, Purnea in ABP No. 116 of 2023 in connection with SC/ST P.S. Case No. 29 of 2023, registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(e) (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 F.I.R., at the time of occurrence, this appellant along with one other accused person assaulted informant with fists and slaps and abused by caste name. It is



further alleged that they also looted Rs. 4,000/- cash and this appellant snatched gold chain.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to political rivalry. Allegation of assault is general and omnibus. Injury allegedly caused by the appellant is simple in nature. 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. Rest of the allegations are ornamental only to make the case grave.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently 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 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 Special Court, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 29 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 12.12.2023 is set aside with respect to



this appellant only.

(Prabhat Kumar Singh, J)

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