

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.805 of 2024

Arising Out of PS. Case No.-57 Year-2016 Thana- BAHADURPUR District- Patna

Prashant Kumar S/O Subodh Rai @ Subodh R/O Village- Tulsipur, Ps.-
Kharik, Dist.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Paru Devi Wife of Ram Vilas Sahni Mohalla Bahadurpur Jhoparpatti, P.S
Bahadurpur Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sudarshan Kumar
For the Resp./State	:	Mrs.Usha Kumari 1
For the Resp.No.2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellant and learned
Special P.P. for of the State. Despite valid service of notice,
nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated
15.01.2024 passed by learned Exclusive Special Court, SC/ST
Act, Patna in connection with Bahadurpur P.S. Case No. 57 of
2016, registered under Sections 147, 148, 149, 151, 323, 307,
353, 436, 109, 114, 120B, 354, 354(A)(B) and 34 of the Indian
Penal Code and Section 3(1)(x) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act (for short
“SC/ST Act”), whereby the prayer for anticipatory bail of
appellant has been rejected.



3. Allegation against appellant and other accused persons is that they misbehaved with female members of locality and assaulted them with iron rod and *lathi* and also abused by taking caste name.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in this case due to college politics. Allegation of assault is general and omnibus and there is no specific allegation of overt act against this appellant. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. Some of the similarly situated co-accused persons have been granted anticipatory bail by this Court. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 15.01.2024 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Court, SC/ST Act,
Patna in connection with Bahadurpur P.S. Case No. 57 of 2016.

(Prabhat Kumar Singh, J)

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