

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.739 of 2024

Arising Out of PS. Case No.-384 Year-2023 Thana- NAVINAGAR District- Aurangabad

Raushan Kumar S/O VISHWANATH SAO R/O VILLAGE- NABINAGAR
CENTRAL BANK ROAD, PS.- NABINAGAR, DIST.- AURANGABAD.

... .. Appellant/s

Versus

1. The State of Bihar
2. BIGAN DAS S/O LATE MAKHDU DAS R/O VILLAGE- DAS
MOHALLAH, WARD NO. 3, NABINAGAR, PS.- NABINAGAR, DIST.
-AURANGABAD.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jawed Gaffar Khan, Advocate
For the State	:	Mr. Usha Kumari 1, Spl.P.P.
For the Resp. No. 2	:	None.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 09-04-2024 1. Heard learned counsel for the appellant and learned
Spl.P.P. for the State.
2. No one appears on behalf of the respondent no. 2.
3. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 06.01.2024 in A.B.P. No. 1956 of 2023 passed by
the learned Special Judge SC/ST-cum-Additional Sessions
Judge-I, Aurangabad in connection with Nabinagar P.S. Case
No. 384 of 2023 registered under Sections 341, 323, 307 and
504 of the Indian Penal Code as well as Sections 3(1)(r)(s)/3(2)
(v) of the SC/ST Act.



4. Learned counsel for the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the respondent no. 2 with an allegation that on 01.10.2023 while the respondent no. 2 along with other labourers were calculating their wages when the appellant came and asked them not to make noise thereafter it is alleged that the appellant went back to his shop and again came back and assaulted the respondent no. 2 by an iron rod causing injury on his head. It is further submitted that the respondent no. 2 had taken a loan of Rs.12,000/- from the appellant and a dispute had arisen based on which he came to be implicated in the instant case. It is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the respondent no. 2 alleges that on account of assault he was taken to the hospital but then the name of the hospital is not mentioned in the FIR which casts an aspersion on the case of the prosecution. It is also submitted that even the impugned order does not record the nature of injury. It is submitted that had the respondent no. 2 been admitted in a hospital for treatment then his fardbeyan would have been recorded in the hospital itself but then the fardbeyan was not recorded in the hospital which casts an aspersion on the case of the prosecution.



5. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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