

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1021 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- KANKARBAG District- Patna

HRITIK KUMAR @ RITIK KUMAR Son of Puneet Kumar @ Punit Sahni
@ Vinit Sahni Resident of Muhalla- Malahi Pakri, P.S.- Kankarbagh, District-
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Phool Kumari Wife of Chulhan Paswan @ Chulan Paswan Resident of
Muhalla- Dusadhi Pakri, P.S.- Kankarbagh, District- Patna

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ram Binod Singh, Advocate
For the State	:	Mr. Sadanand Paswan, , Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-08-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 03.11.2022 passed in a case registered for the offence
punishable under Sections 147, 341, 323, 504, 506 and 342 of
the Indian Penal Code and Section 3(i)(a)(r)(s)(u) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the
appellant has been rejected.



4. As per prosecution case, on the alleged date and time of occurrence, while son of informant was returning home, in the meantime, all the F.I.R. named accused persons, including this appellant, came there and abused him by caste name and also assaulted by lathi and danda and made video of the incidence and thereafter, threatened son of informant that they will make the video viral.

5. It is submitted by learned counsel appearing on behalf of the appellant that allegation of assault is general and omnibus and there is no specific allegation of overt act against this appellant. From bare perusal of the F.I.R. it is apparent that the alleged occurrence took place on 22.04.2022, however, the present F.I.R. has been lodged on 02.05.2022, i.e. after inordinate delay of 9 days and there is no explanation for the same. It is further submitted that it is not the case of the prosecution that any member of the public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.



7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 03.11.2022 passed by the learned Exclusive Special Court, SC/ST Act, Patna, in connection with A.B.P. No. 7871 of 2022 arising out of Kankarbagh P.S. Case No. 366 of 2022 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 A.B.P. No. 7871 of 2022 arising out of Kankarbagh P.S. Case No. 366 of 2022.

(Prabhat Kumar Singh, J)

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