

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1381 of 2024

Arising Out of PS. Case No.-1025 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

Vikash Kumar son of Tarkeshwar Singh Resident of Village- Gheghata, P.S.-
Chapra Mufassil, Dist.- Saran at Chapra

... .. Appellant

Versus

1. The State of Bihar
2. Abhishek Kumar Son of Shambhu Ram Resident of Village- Sherpur, P.S.-
Chapra Mufassil, Dist.- Saran at Chapra

... .. Respondents

Appearance :

For the Appellant : Mr.Dewendra Narayan Singh, Advocate
For the Respondents : Mr.Sadanand Paswan, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-07-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 16.2.2024 passed in a case registered for the offence punishable under sections 341, 325, 504, 506, 307, 34 of the IPC and sections 3(i)(r)(s)/2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, due to previous enmity all the FIR named accused persons including this appellant surrounded respondent no.2 and started abusing him by caste name. Co-accused Aman Kumar assaulted him with knife



causing injuries on the neck and waist, whereas appellant assaulted him with fists.

4. Learned counsel appearing for the appellant submits that due to money dispute arising out of business transaction, minor scuffle took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. Doctor has found simple injury. Moreover, there is general and omnibus allegation of assault by fists against this appellant. It is not the case of the informant that any member of public was present on the spot at the time of occurrence, as such, the incident did not take place within public view and hence no offence under the SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

5. Counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. 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 the SC/ST Exclusive Special Judge, Saran at Chapra in connection with



Chapra Mufassil P.S. Case No. 1025 of 2023.

(Prabhat Kumar Singh, J)

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