

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1536 of 2024**

Arising Out of PS. Case No.-404 Year-2023 Thana- AMAS District- Gaya

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Bhambhoriya Kumar @ Sanjeev Kumar @ Mamoriya Kumar Son of  
Akhilesh Singh Resident of Village- Bajitpur, Police Station- Amas, Dist.-  
Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi Wife of Gopi Das Resident of Village- Chapardah, Police Station  
- Amas, Dist.- Gaya.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Shailesh Kumar  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

3      27-06-2024                      Heard learned counsel for the appellant and learned  
counsel for the informant as well as learned Special Public  
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 (hereinafter in short referred to as the  
SC/ST Act) against the refusal of prayer of bail *vide* order dated  
19.02.2024 passed by the learned court of Exclusive Special  
Judge, SC/ST Gaya in connection with Amas P.S. Case No.  
404/2023, registered for the offence/s punishable u/s 341, 323,  
376, 504, 506 of the Indian Penal Code and Sections 3(i) (r)(s)  
of the SC/ST Act.



3. As per the prosecution case, the appellant and other co-accused persons are alleged to have assaulted the son of the informant with deadly weapons caused serious head injury and also abused him by calling his caste name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. There is no specific allegation of assault against the appellant rather the allegation is general and omnibus in nature. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 08.02.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 19.02.2024 passed by the learned court of Exclusive Special



Judge, SC/ST Gaya in connection with Amas P.S. Case No. 404/2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Judge, SC/ST Gaya in connection with Amas P.S. Case No. 404/2023.

**(Chandra Prakash Singh, J)**

Ranjeet/-

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