

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1746 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- DARIYAPUR District- Saran

Bhola Singh @ Jai Praksh Singh Son of Late Ram Narayan Singh Resident of
Village- Ranipur, P.S.- Dariyapur, Dist.- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar Ram Son of Late Bharat Ram Resident of Village- Sri Nagar
Matihan, P.S.- Dariyapur, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant : Mr. Dhananjay Kumar Tiwary, Adv.
For the State : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 03-10-2024 Heard learned counsel for the appellant and learned
Special P.P. for of the State.

2. This appeal has been filed against the order dated
01.03.2024 passed by learned Exclusive Special Judge, SC/ST
Act, Saran at Chapra in connection with Dariyapur P.S. Case
No. 36 of 2024, registered under Sections 341, 323, 504, 34 of
the Indian Penal Code and Sections 3(1)(r)(s)(w), 3(2)(va) of
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (for short “SC/ST Act”), whereby the prayer for
anticipatory bail of appellant & others has been rejected.

3. As per prosecution case, on 22.01.2024 at about
4:30 PM, while informant was going to his house, all the



accused persons, named in the F.I.R. including this appellant, called him near the brick kiln and abused him by caste name and on protest, the accused persons started assaulting him. It is further alleged that when wife of informant came to save, she was also abused and assaulted by accused persons.

4. Learned counsel for the appellant submits that as per F.I.R., specific accusation of assault is against other co-accused persons. So far as this appellant is concerned, there is general and omnibus allegation and no specific allegation of overt act against him. F.I.R. does not disclose that at the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal, filed for grant of anticipatory bail.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 01.03.2024, in respect of this appellant only, is set aside and this criminal appeal is allowed.

7. Let the appellant namely Bhola Singh @ Jai Prakash Singh in the event of his arrest/surrender within a



period of eight weeks from today, 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 Judge, SC/ST Act, Saran at Chapra in
connection with Dariyapur P.S. Case No. 36 of 2024.

(Prabhat Kumar Singh, J)

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