

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1805 of 2024

Arising Out of PS. Case No.-48 Year-2022 Thana- GAYA MUFASIL District- Gaya

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PRAVIN KUMAR SINGH @ BITTU SINGH @ PARVIN KUMAR SINGH
S/O ARJUN SINGH R/O VILLAGE- AMARI, P.S- MUFFASIL, DISTT.-
GAYA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MUNNI DEVI W/O SUDHIR KUMAR R/O VILLAGE- SONEPUR, P.S-
MUFFASIL, DISTT.- GAYA.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Priya Ranjan, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-06-2024 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 17.02.2024 passed by the Court of learned Exclusive
Special Judge, SC/ST, Gaya, in a case wherein cognizance has
been taken for the offence punishable under Sections 323, 504,
506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) 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 in brief is that while the informant was running her grocery shop at her residence, all the F.I.R. named accused persons, including this appellant, came there and demanded cigarette and also abused her by caste name and on objection they assaulted her.

5. It is submitted by learned counsel appearing on behalf of the appellant that as a matter of fact, both parties are co-villagers and due to political rivalry, this false and concocted case has been lodged. It is next submitted that allegation of abuse and assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. It is further submitted that there is no injury report on record to substantiate the allegations. It is lastly submitted that it is not the case of the prosecution that the alleged incidence took place in presence of public and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

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



17.02.2024 passed by the Court of learned Exclusive Special Judge, SC/ST, Gaya, in A.B.P. No. 42 of 2024 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 the learned Exclusive Special Judge, SC/ST, Gaya, in connection with A.B.P. No. 42 of 2024 arising out of Muffasil P.S. Case No. 48 of 2022.

(Prabhat Kumar Singh, J)

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