

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2004 of 2024

Arising Out of PS. Case No.-932 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

Abhikant Kumar @ Abhikant Kumar Ray @ Kunnu Ray Son of Manindra Ray @ Manindra Prasad Resident of Village- Dumariya Parti, P.S.- Chapra Muffasil, Dist.- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishwajit Kumar Son of Harinandan Ram Resident of Village- Ladhpur, P.S.- Garkha, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha, Advocate
For the Respondent/s : Mrs. Usha Kumari-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-12-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State but in spite of valid service of notice none is present on behalf of respondent no.2.

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 anticipatory bail vide order dated 12.03.2024 passed by learned Exclusive Special Judge (SC/ST Act), Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 932 of 2023 registered under Sections 341, 323, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act.

3. The appellant along with other co-accused is said to have assaulted the informant and abused him by taking his caste name.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. It is further submitted that informant has not alleged specifically in the F.I.R. that who has assaulted him and which part of the body received injury nor he has produced any injury report. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Saran at Chapra in connection with Chapra Muffasil P.S. Case No.932 of 2023, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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