

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2548 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- UPHARA District- Aurangabad

Sonu Kumar Son of Lal Mohan Saw R/O Vill.- Mahesh Parasi, P.S.- Uphara,
Dist.- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhagwan Das Son of Late Govind Ram R/O Village- Mahesh Parasi, P.S.-
Uphara, Dist.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukul Kumari, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 13-12-2024 Heard learned counsel for the appellants as well as
learned Spl.P.P. for the State.

2. This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 01.05.2024 passed by the learned Special Judge (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Uphara P.S. Case No. 95 of 2023, registered for the offences punishable under Sections 147, 149, 341, 323, 325, 354, 379, 448, 504 and 506 of the Indian Penal Code & Sections 3(1)(r)(s)(w), 3(2)(va) of SC/ST (Prevention of Atrocities) Act whereby the prayer for bail of the appellants has been rejected.



3. As per allegation, on 12.11.2023 at about 08:00 P.M. 10-12 persons came near the house of the informant put up fire cracker upon his animals. Upon protest, the accused persons started abusing him by taking his caste name and also assaulted the informant and his son. It is alleged that the accused persons snatched the ornaments from the wife of the informant. Accused Umakant Kumar and Deepak Kumar have taken Rs.2,000/- from the shop of the informant. They have also threatened to kill him.

4. Learned counsel for the appellant submits that there is a case and counter case and F.I.R. shows itself that the occurrence did not took place due to malicious feeling of cast rather it had taken place for bursting the crackers on the occasion of Dipawali. None has suffered grievous injuries. It appears that the occurrence had taken place due to bursting of crackers on the occasion of Dipawali and not due to malicious feelings of cast, provisions of SC/ST Act do not attract *prima facie*.

5. Having heard learned counsel for the parties and taking into consideration, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.05.2024 arising out of Uphara P.S. Case No. 95 of 2023 is hereby set aside.



6. Let the appellant, above named, in the event of arrest/surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Uphara P.S. Case No. 95 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nawneet Kumar Pandey, J.)

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