

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2849 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- SC/ST District- Madhepura

Dilkhush Kumar Son of Badal Mandal R/O Vill.- Baijnathpur, ward no. 02,
P.S.- Bihariganj, Dist.- Madhepura

... .. Appellant

Versus

1. The State Of Bihar Patna
2. Ranjeet Kumar Son of Rakesh Rishidev R/O Vill.- Baijnathpur, Ward no. 02,
P.S.- Bihariganj, Dist.- Madhepura

... .. Respondents

Appearance :

For the Appellant/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-11-2024 Heard learned counsel for the appellant and the State.

Nobody appears for respondent no.2.

2. This appeal has been filed for setting aside order dated 20.5.2024, passed in a case registered for the offence punishable under sections 341,323,324,427,379,504,506/34 of the Indian Penal Code and sections 3(1)(r), (s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for regular bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of the occurrence, all the FIR named accused persons including this petitioner and 3 to 4 unknown accused persons assaulted the informant by means of lathi, iron rod etc causing



him injuries.

4. It is submitted that there is no allegation of assault against the appellant. F.I.R. has been lodged after delay of five days without any explanation which renders the entire prosecution case doubtful. There is case and counter case. There is no injury report on the record in support of the alleged assault. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Appellant is in custody since 1.5.2024 and charge sheet has already been submitted.

5. Counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, 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 Additional Sessions Judge I cum Special Judge, SC/ST (POA) Act, Madhepura in Madhepura SC/ST Police Station Case No. 04/2024.

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(Prabhat Kumar Singh, J)

