

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3207 of 2023**

Arising Out of PS. Case No.-159 Year-2023 Thana- BARHARA KOTHI District- Purnia

Bhuwal Prasad Singh Son Of Ramyadi Singh Resident Of Village- Gouwapar,  
Ps- Bansdih, Dist- Balia, Up

... .. Appellant/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Appellant/s  | : | Mr.Ajit Kumar Singh, Adv.    |
| For the Respondent/s | : | Mr. Amit Kumar Anand, Adv.   |
| For the State        | : | Mr.Binay Krishna Adv.,Spl PP |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

4      05-01-2024                      Heard learned counsel for the appellant and learned  
Spl.P.P. for the State.

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 rejection of prayer for anticipatory bail of the appellant vide order dated 20.06.2023 passed by the learned Special Judge, SC/ST Act, Purnea in connection with A.B.A. No. 60 of 2023 arising out of Barhara P.S. Case No. 159 of 2023 dated 10.04.2023 registered for the alleged offences under Sections 341, 323, 325 and 427 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant came out from the office of the School then he saw Nago Rishi (retired cook)



and the appellant (assistant teacher) were quarrelling by using filthy language. When the informant intervened to pacify the matter then the appellant abused him by calling his caste name and also assaulted him on his eyes, neck and head with a mathiya due to which he sustained injuries and fell down. Thereafter, the appellant fled away from the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel has further submitted that the appellant has no concern with the alleged offence. It is further submitted that the occurrence took place near the office of the school and no member of public was present at the relevant point of time of the alleged incident. Hence, no offence is made out against the appellant under the provisions of SC/ST (PoA) Act. The injured sustained lacerated wound  $\frac{1}{2} \times \frac{1}{4}$  and tenderness below the left eye as per page 25 of the case diary. The injury report does not show proper dimension of injuries. The appellant has no criminal antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant and submitted that there is specific allegation against the appellant and the injury is stated to be grievous.

6. In view of the aforesaid facts and circumstances of the case as well as finding some sustenance in the contention of the learned counsel for the appellant, the impugned order dated 20.06.2023



passed by the learned Special Judge, SC/ST Act, Purnea in connection with A.B.A. No. 60 of 2023 arising out of Barhara P.S. Case No. 159 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea in connection with Barhara Kothi P.S. Case No. 159 of 2023 in A.B.A. No. 60 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

**(Chandra Prakash Singh, J)**

Gautam/-

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