

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3396 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- SULTANGANJ District- Patna

MD. KAYUM @ MD. KARIM @ KARIM SON OF MD. REYAZ
RESIDENT OF AMBEDKAR COLONY PANI TANKI PS SULTANGANJ
DISTRICT PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. ANITA DEVI WIFE OF RAJESH KUMAR RESIDENT OF VANBARI CHOWK, DEVI ASTHAN NEAR PANI TANKI, PS- SULTANGANJ, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shadab Akhter
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 02-12-2024 1. Heard learned counsel for the appellant and learned Special Public Prosecutor, SC/ST.

2. An order, dated 04.07.2023, passed by learned Exclusive Special Court, SC/ST Act, Patna, in ABP No. 4729 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Sultanganj Police Station Case No. 106 of 2023 registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 337, 34 of the Indian Penal Code and Section 3 (i)(r)(s)(2) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act,



has been rejected.

3. As per the FIR, on 03.03.2023, in the morning, the informant prevented the co-accused from throwing garbage near her house. The appellant along with other accused persons assaulted with bricks, stones and iron rod to the informant, her husband, son and her sister-in-law. It has been alleged that the appellant has assaulted Radha Devi, gotni of the informant, by iron rod on her head.

4. Learned counsel for the appellant submits that both the parties are neighbors residing side by side. The occurrence has taken place due to throwing/keeping of garbage in front of the house of the informant. The allegation of abuse in the caste name is not in full public view. The injury caused to the victim is simple in nature as per the investigation report.

5. No one appears for the informant.

6. On the last occasion also, on one had appeared on behalf of the informant.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbors, the occurrence has taken place due to dispute regarding throwing/keeping of garbage and the caste name was not taken in full public view and the injury caused to



the victim is not serious in nature, I am inclined to grant the appellant privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 04.07.2023, passed by learned Exclusive Special Court, SC/ST Act, Patna, in ABP No. 4729 of 2023, is set aside.

9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna, in connection with Sultanganj Police Station Case No. 106 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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