

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3495 of 2024**

Arising Out of PS. Case No.-180 Year-2023 Thana- ANDHRAMATH District- Madhubani

Saurabh Singh S/o Sunil Kumar Singh R/o vill - Ward no. 12, Neur, P.S. -  
Andhramath, Distt. - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Paswan S/o Suresh Paswan R/o vill - Devkuli, ward no. 16, P.S. -  
Bahadurpur, Distt. - Darbhanga

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Anuj Kumar

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      07-10-2024                      1. Heard learned counsel for the appellant and the  
learned Special P.P. Mr. Binay Krishna.

2. This is an appeal under Section 14-A(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST  
Act”) against the refusal of prayer for anticipatory bail vide  
order dated 06.06.2024 in A.B.P. No. 415/2024 passed by the  
learned Additional Sessions Judge-I-cum-Special Judge, SC/ST  
Act, Madhubani in connection with Andhramath P.S. Case  
No.180/2023, registered under Sections 147, 148, 149, 186, 341,  
323, 331, 332, 337, 338, 353, 504, 506 of the Indian Penal Code  
as well as Sections 3(1)(r)(s) of the SC/ST (POA) Act.



3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that on 17.11.2023 at 10.30 A.M. he along with the team were checking vehicle and passengers coming from Nepal on account of upcoming Chhath Puja, thereafter it is alleged that at 11.30 A.M. Malkhan Singh @ Suman Singh came along with his supporters at the check post and threatened the informant that at the time of festival he was unnecessarily restraining the local people and when the informant said that he is doing his job, on which, Malkhan Singh started abusing the informant by caste name and also assaulted.

4. The learned counsel submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of assaulting the informant is against Malkhan Singh. It is also submitted that appellant has been implicated with general and omnibus allegation. It is further submitted that the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is further submitted that notices are not required to be sent as the case has been instituted by Excise Inspector who is represented by a learned Special P.P.



Mr. Binay Krishna.

5. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for appeal of the appellant.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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