

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3806 of 2023**

Arising Out of PS. Case No.-296 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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Kundan Kumar @ Kundan Sahni Son Of Brahmdev Sahani R /O Village
-SHADPUR, Ps- Sahebpur Kamal, District -BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. Chotto Sadha Son Of Kantlal Yadav R /O Village -SHADPUR, Ps- Sahebpur Kamal, District -Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mohit Shriwastava, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 25-07-2024 Despite valid service of notice, no one appears on
behalf of respondent No. 2.

2. Heard learned counsel for the appellant and learned
Spl. Public Prosecutor for the State.

3. This criminal appeal has been filed against the
order dated 07.07.2023 passed by learned Exclusive Special
Judge, SC/ST (POA) Act, Begusarai in connection with
Begusarai Sahebpur Kamal P.S. Case No. 296 of 2020/GR No.
947 of 2020, registered under Sections 341, 323, 504/34 of the
Indian Penal Code and Section 3(1)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of appellant has been



rejected.

4. As per the F.I.R., all the named accused persons including this appellant assaulted the informant with lathi and one Abhay Yadav and abused them.

5. Learned counsel for the appellant submits that allegation of assault against the appellant is general and omnibus. There is no injury report on record to substantiate the allegation levelled against the appellant. He further submits that there is no allegation of abuse by caste name and as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Appellant claims clean antecedent.

6. Learned Special Public Prosecutor for the State vehemently opposed the prayer for anticipatory bail of the appellant.

7. Considering the aforesaid facts and circumstances of the case, impugned order dated 07.07.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai Sahebpur Kamal P.S. Case No. 296 of 2020/GR No. 947 of 2020 is set aside.

8. Let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be



enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai Sahebpur Kamal P.S. Case No. 296 of 2020/GR No. 947 of 2020.

9. Accordingly, the impugned order dated 07.07.2023, is set aside and the criminal appeal is allowed with respect to this appellant.

(Prabhat Kumar Singh, J)

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