

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3427 of 2022

Arising Out of PS. Case No.-260 Year-2019 Thana- EKMA District- Saran

AMAR NATH SINGH Son of Late Swami Nath Singh R/V- Hariharpur, P.S-
Ekma, Dist- Saran Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyendra Kumar Singh Son of Sri Ram Narayan Singh R/V- Parsagarh,
Dakshin Tola, P.S- Ekma, Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 25-07-2024 Despite valid service of notice, nobody appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 24.08.2022 passed by learned Additional Sessions
Judge-III, Saran in connection with A.B.P. No. 1271 of 2022
arising out of Ekma P.S. Case No. 260 of 2019, registered under
Sections 147, 148, 149, 341, 323, 324, 325, 426, 307, 504 of the
Indian Penal Code and Section 3(i)(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. Prosecution case, in brief, is that on the occasion of Durga Puja, all the F.I.R. named accused persons including this appellant and 7-8 unknown persons armed with sword, rod, lathi, danda came at puja and ordered one Abjad Ali to reduce the volume of loud speaker. Upon refusal, all the accused persons abused and assault informant and others.

5. Learned counsel for the appellant submits that allegation of assault against the appellant is general and omnibus. Injury allegedly caused by the appellant is simple in nature. He next submits that there is no allegation of abuse by caste name in the F.I.R. and as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Appellant claims clean antecedent.

6. Considering the aforesaid facts and circumstances of the case, impugned order dated 24.08.2022 passed by learned Additional Sessions Judge-III, Saran in connection with A.B.P. No. 1271 of 2022 arising out of Ekma P.S. Case No. 260 of 2019 is set aside.

7. 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 Additional Sessions Judge-III, Saran in connection with A.B.P. No. 1271 of 2022 arising out of Ekma P.S. Case No. 260 of 2019.

8. Accordingly, the impugned order 24.08.2022, is set aside and the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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