

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3903 of 2023

Arising Out of PS. Case No.-633 Year-2023 Thana- KAHALGAON District- Bhagalpur

ABHISHEK KUMAR @ ABHISHEK KUMAR SINHA S/O- TUTO RAM
@ DEEPAK KUMAR @ DIPAK KUMAR R/O- VILLAGE-
MATHURAPUR, P.S.- SHIVNARAYANPUR, DIST.- BHAGALPUR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR, PATNA.
2. BRAHAMDEO DAS S/O- LATE PRITHVI RAVIDAS R/O- VILLAGE-
MATHURAPUR, P.S.- SHIVNARAYANPUR, DIST.- BHAGALPUR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Chandra, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 08.11.2023, she informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 refusal of prayer of anticipatory bail vide order dated 02.08.2023 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, (SC/ST), Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 633 of 2023 registered under



Sections 323, 341, 342, 379, 504 & 506 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, appellant is said to have abused and assaulted the informant's son brutally with stick. On hearing alarm, one Amit Kumar came in his rescue, but he too was abused and Rs. 20,000/- was taken out from his pocket by the appellant.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. There is general and omnibus allegation against the appellant. There is case and counter case between the parties. The injuries sustained by the injured are simple in nature, which is also evident from the injury report enclosed in the case diary. There is no allegation of slating the informant's side in the specific name of their caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is no allegation of slating the informant's side in the specific name of



their caste and the injuries sustained by the injured are simple in nature, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum- Special Judge, (SC/ST), Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 633 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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