

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4076 of 2023**

Arising Out of PS. Case No.-3 Year-2023 Thana- SC/ST District- Aurangabad

Krishna Vijay Singh @ Krishna Vijay Kumar Singh Son Of Late Keshav Prasad Singh Resident Of Village - Madhe, P.S. - Badem, District - Aurangabad.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sumit Kumar Son Of Ramjee Ram Resident Of Village - Hajari Karma, P.S. - Muffasil, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Tej Narayan Singh, Adv
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP
For the Informnat	:	Mr. Nawal Kishore Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 29-03-2024 Heard learned counsel for the appellant, learned counsel for the informant and learned Spl P.P for the State.

2. This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 27.07.2023 passed by the learned Special Judge (SC/ST) cum Additional Sessions Judge, Aurangabad in connection with SC/ST P.S. Case no. 03 of 2023 registered for the alleged offences under sections 341, 323, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s) 3 (2) (VA) of the SC/ST (PoA) Act.

3. As per the prosecution case, the informant stated that the appellant came to the Clinic and forced him to add his



name in the list of patient. On demand of deposit the fee, the appellant started assaulting the informant and abused him by calling his caste name.

4. learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence no offence under the provision of SC/ST Act is made out against the appellants. The appellant has clean antecedent stated in para-3 of the petition.

5. Learned Spl P.P for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 27.07.2023 passed by the learned Special Judge, SC/ST cum Additional Sessions Judge, Aurangabad in connection with SC/ST P.S. Case no. 03 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the



event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST cum 1st Additional Sessions Judge, Aurangabad in connection with P.S.Case No. 03 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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