

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4036 of 2024

Arising Out of PS. Case No.-203 Year-2023 Thana- BARBIGHA District- Sheikhpura

VIKASH KUMAR @ VIKAS KUMAR SON OF BHOLA PRASAD
Resident of Village- Gopalbad, Police Station- Sarmera, District- Nalanda.
Present Address village- Parsobigha Police Station- Barbigha, District-
Sheikhpura

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SANJAY CHOUDHARY SON OF UDAY CHAUDHARY Mohalla -
Narayanpur, Police Station- Barbigha, District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nilendu Kumar Choudhary
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-12-2024 1. Heard learned counsel for the appellant 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 (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
14.08.2024 in B.P. No.906 of 2024 passed by the learned 1st
Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA)
Act, Sheikhpura in connection with Barbigha P.S. Case No. 203
of 2023 registered for the offences punishable under Sections
341, 342, 323, 325, 504 and 34 of the Indian Penal Code as well
as Sections 3(1)(r)(s) and 3(2) (va) of the SC/ST Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and is in custody since 27.07.2024 and the informant alleges that his son Deepak and Pawan were playing near a school along with Bhola when appellant along with Chhotu, who are Directors of the school, caught the three children and locked them in the school and started threatening with knife and even abused them by taking caste name, on alarm people gathered and accused persons assaulted the children by an iron rod causing fracture on hand on Pawan and Deepak.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that son of the informant along with Bhola were caught committing theft in the garbage shop of the appellant, as such, an alarm was raised when people gathered and the accused were thrashed. It is further submitted that charge sheet has been submitted as such no useful purpose would be served by keeping the petitioner in jail when allegation of assault is not specific.

5. Learned Spl. P.P. for the State opposes the prayer for bail of the appellant.

6. In view of the submissions made by the learned



counsel for the appellants, the order dated 14.08.2024 in B.P. No.906 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sheikhpura in connection with Barbigha P.S. Case No. 203 of 2023, **is hereby set aside** and the appellant above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Barbigha P.S. Case No. 203 of 2023.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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