

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4079 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- SC/ST District- Vaishali

Manish Kumar Son of Rakesh Singh Resident of Village - Pachiyari Tola
Desri , Uphraul, P.S- Desri, District - Vaishali

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Prabhat Kumar Rajnish Son of Sanjay Paswan Resident of Village- Malahi,
P.S.- Jandaha, Distt.- Vaishali

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2024 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Binay Krishna.

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 anticipatory bail vide
order dated 20.07.2024 in A.B.P. No. 1798/2024 passed by the
learned Exclusive Special Court, SC/ST Act, Hajipur in
connection with Hajipur SC/ST P.S. Case No.21/2024,
registered under Sections 341, 323, 504, 506, 34 of the Indian
Penal Code as well as Sections 3(i)(r), 3(i)(s), 3(2)(va) of the
SC/ST Act.



3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that all offences under the I.P.C. are bailable. It is next submitted that the informant alleges that informant and the appellant are student of Genius Coaching, Ghazipur, earlier a dispute had taken place for sitting on the front bench but the dispute was resolved by the coaching teacher, later on 08.06.2024 at 3.00 P.M. it is alleged that the appellant again stopped the informant and his friend Golu and abused by taking caste name and also assaulted and tied the neck of the informant with a towel when his friend came to rescue then he was also assaulted.

4. The learned counsel appearing on behalf of the appellant submits that appellant and informant are student and on account of dispute relating to sitting position in the coaching institute, the alleged occurrence is alleged to have taken place, though earlier when the occurrence took place, it was resolved but later the informant by way of after through instituted the instant case implicating the appellant when from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not even remotely suggest that the occurrence was witnessed by any independent witnesses nor name of any



independent witnesses is recorded in the F.I.R.

5. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for anticipatory bail of the appellants.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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