

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4214 of 2024

Arising Out of PS. Case No.-476 Year-2024 Thana- BIHTA District- Patna

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Bhairo Kumar @ Sanki Bhumihar S/O Ranjeet Sharma @ Ranjit Kumar R/O Village- Dilawarpur, P.S- Bihta, District- Patna and At Present R/O Village- Kanchanpur, P.S- Bihta, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sahil Kumar S/O Late Birendra Paswan R/O Village- Dilawarpur, P.S- Bihta, Distt.- Patna.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 228-10-2024
1. Heard learned Counsel for the appellant and learned Additional Public Prosecutor for the State.

2. An order, dated 19.07.2024, passed, by learned Exclusive Special Judge, SC/ST Act, Patna, in A.B.P. No. 2455 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Bihta Police Station Case No. 476 of 2024, registered for the offences punishable under Sections 341/342/323/324/504/506 of the Indian Penal Code and Sections 3 (i) (r)/(s)/3(2)(va) of the Scheduled



Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that the appellant, along with other co-accused persons, variously armed, abused the informant by taking his caste name in common area and assaulted him on his head, due to which he sustained injuries on his head and became unconscious.
4. Learned Counsel appearing on behalf of the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case due to prior enmity between the parties. He further submits that there is general and omnibus allegation against all the accused persons and no injury report has been brought on record by the prosecution, as would be evident from the impugned order itself.
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the appellant, along with other co-accused persons, with common intention, abused the informant by taking his caste name in the common area.
6. Having heard learned Counsel for the parties and taking



into consideration the allegation levelled in the First Information Report, I am of the considered opinion that a *prima facie* case is made out against the appellant under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as such, this appeal, for grant of anticipatory bail, is not maintainable.

7. Accordingly, this appeal is dismissed and the order, dated 19.07.2024, passed, by learned Exclusive Special Judge, SC/ST Act, Patna, in A.B.P. No. 2455 of 2024, is hereby affirmed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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