

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4314 of 2023**

Arising Out of PS. Case No.-38 Year-2023 Thana- TEYAR District- Bhojpur

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Ankit Kumar @ Ankit Kr. Yadav Son Of Rajendra Yadav Village-
Kamariyaon, Po- Kamariyaon, Ps- Tiyar, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. AKASH KUMAR SON OF BELDAN RAM VILLAGE- KAMARIYAON,
PO- KAMARIYAON, PS- TIYAR, DIST- BHOJPUR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 05-04-2024 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 against the refusal of prayer for anticipatory bail vide order dated 02.08.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Bhojpur at Ara in connection with Tiyar P.S. Case No. 38 of 2023, registered for the alleged offences under Sections 147, 149, 341, 323, 325, 504, 506, 307/34 of the Indian Penal Code and Section 3(i)(r) (s), 3(2)(va) of the S.C./S.T. Act.

3. As per the prosecution case, the appellant and other co-accused persons are alleged to have abused the informant and his brother by calling their caste name and also assaulted them with



lathi, danda as a result the right hand of the informant's brother was broken.

4. Learned counsel for the appellant submitted 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 incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the appeal.

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 and submitted that the occurrence is said to be taken place at the door of the informant.

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 02.08.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Bhojpur at Ara in connection with Tiyaar P.S. Case No. 38 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



court of learned 1st Additional Sessions Judge-cum-Special Judge,
SC/ST, Bhojpur at Ara in connection with Tiyar P.S. Case No. 38 of
2023, subject to the conditions mentioned in Section 438(2) of the
Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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