

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4508 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Lakhisarai

SONU KUMAR @ SONU PUNJABI Son of Saudagar Mandal @ Shyam Mandal Resident of Village-Naya Tola Ward No. 12, P.S. and District-Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. PRITHIVI KUMAR Son of Santosh Paswan Resident of Village-Santar Mohalla Ward No. 13, P.S. and District-Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-10-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. The notice was validly served upon respondent no.2, but despite that nobody appears on his behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.07.2023 passed by learned Additional District and Sessions Judge 1st-cum Special Judge SC/ST, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 15 of 2023 registered under Sections 341, 323, 324, 307, 504,



506/34 of the Indian Penal Code and Section 3(i)(r)(s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the FIR named accused persons including the appellant along with 10 unknown persons are said to have abused the informant by taking his caste name and assaulted him with an intention to kill him.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. As per the injury report, injuries sustained by the informant were found simple in nature. There is no specific allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. It is further submitted that similarly situated co-accused have been granted anticipatory bail by this Court in Cr. APP (SJ) No. 2899 of 2023 on 20.09.2023. Appellant has no criminal antecedent as mentioned



in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, since similarly situated co-accused have been granted anticipatory bail by this Court, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st-cum Special Judge SC/ST, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 15 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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