

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4673 of 2023**

Arising Out of PS. Case No.-216 Year-2022 Thana- AKBARPUR District- Nawada

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Ravindra Nain Son Of Jagbir Nain R/O Plot No.147, Street No.5, D Block,  
Oldl Palam Road, Kakrola, Bharat Vihar, Section, 14, Dwarika, P.S.-  
Dwarika, Distt.- South West Delhi

... .. Appellant/S

Versus

1. The State Of Bihar
2. Kundan Kumar Rajbanshi Son Of Umesh Rajbanshi R/O Karam, P.S.-  
Akbarpur, Distt.- Nawada

... .. Respondent/S

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**Appearance :**

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|----------------------|---|----------------------------|
| For the Appellant/s  | : | Mr. Abhishek, Advocate     |
| For the Respondent/s | : | Mr. Binay Krishna, Spl. PP |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

6      27-06-2024                      Despite valid service of notice , nobody appears on  
behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 10.08.2023 passed in a case registered for the offence punishable under sections 279, 337, 338, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3. As per the prosecution case, all the accused persons, including these appellants, abused the informant by caste name and also refused to give the cost of treatment, which he had to go through because he was hit by the *Hyva* of the accused persons.

4. It is submitted that appellant is working as a staff in Road Construction Department and the *Hyva* in question does not belong to this appellant. Appellant is neither owner nor driver of the vehicle in question . As a matter of fact, informant himself created hindrance in the execution of work and only with a view to extort illegal money this false and concocted case has been lodged. F.I.R. has been lodged after the delay of seven days for which there is no plausible explanation . It is not the case of prosecution that any member of public was present at the time of incidence , as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to this appellant only , and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail



on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/St (POA) , Nawada in connection with Akbarpur Police Station Case No.216 of 2022 .

**(Prabhat Kumar Singh, J)**

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