

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4905 of 2023**

Arising Out of PS. Case No.-57 Year-2016 Thana- BAHADURPUR District- Patna

RITESH KUMAR S/O SHAILESH SHARMA R/O VILLAGE- DEVI  
ASTHAN KHARASIN, P.S- TETRA, DISTT.- ARWAL.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PAROO DEVI W/O RAMVILASH SAHANI R/O MOHALLA-  
BAHADURPUR JHOPARPATTI, P.S- BAHADURPUR, DISTT.- PATNA.

... .. Respondent/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Appellant    | : | Mr. Shashank Shekhar, Advocate |
| For the State        | : | Ms. Usha Kumari 1, Spl.PP      |
| For Respondent No. 2 | : | N o n e                        |

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

4      27-06-2024                      Heard learned counsel appearing for the appellant and  
  
learned Special Public Prosecutor appearing for the respondent-  
  
State.

2. Despite valid service of notice, no body appears on  
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order  
dated 25.09.2023 passed in a case registered for the offence  
punishable under sections 147, 148, 149, 151, 323, 307, 353,  
436, 109, 114, 120B, 354, 354A, 354B and 34 of the Indian  
Penal Code and Section 3(i)(x) of the Scheduled Castes and  
Scheduled Tribes (Prevention of Atrocities) Act, whereby the  
prayer for anticipatory bail of the appellant has been rejected.



4. As per prosecution case, this appellant, along with other co-accused persons, assaulted the informant and her family members by means of lathi and danda and also abused them by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant has been falsely implicated in this case due to college politics. Allegation of assault is general and omnibus and there is no specific allegation of overt act against this appellant. It is further submitted that it is not the case of the prosecution that any member of the public was present at the time of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 25.09.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna, in A.B.P. No. 8179 of 2023 arising out of Bahadurpur P.S. Case No. 57 of 2016 is hereby set aside with respect to this appellant only.



8. Accordingly, 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 learned Exclusive Special Court, SC/ST Act, Patna, in connection with A.B.P. No. 8179 of 2023 arising out of Bahadurpur P.S. Case No. 57 of 2016.

**(Prabhat Kumar Singh, J)**

shashank/-

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