

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4999 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- PARAIYA District- Gaya

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MUKESH KUMAR @ MUNNA SINGH Son of Manoj Singh @ manoj Kumar Sharma Resident of village - Salempur, Police Station - Paraiya, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Om Kumar Son of Satyendra Paswan Resident of village - Dakhner, Police Station - Paraiya, District - Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor Mr. P. Pankaj Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 18.09.2023 passed by learned Special Judge, SC/ST, Gaya in A.B.P. No. 307/2023 in connection with Paraiya P.S. Case No. 223 of 2023, registered under Sections 341, 323, 504/34 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 appellant has been rejected.

3. As per prosecution case, on the alleged date and time, while the informant was returning from railway station, all the F.I.R. named accused persons including this appellant



abused and assaulted him.

4. Learned counsel for the appellant submits that allegation of assault against the appellant is general and omnibus and doctor has found the injury simple in nature. Furthermore, it is not the case of the informant that the alleged occurrence has taken place within the public view and as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent No. 2 vehemently opposed the prayer for anticipatory bail of the appellant.

6. Considering the nature of accusation and clean antecedent, impugned order dated 18.09.2023 passed by learned Special Judge, SC/ST, Gaya in A.B.P. No. 307/2023 in connection with Paraiya P.S. Case No. 223 of 2023 is set aside.

7. Let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Paraiya P.S. Case No. 223 of 2023.

8. Accordingly, the impugned order, is set aside and



the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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