

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5444 of 2023**

Arising Out of PS. Case No.-33 Year-2023 Thana- SC/ST District- Lakhisarai

Dilbar Kumar @ Dilkhush Kumar Son Of Yugal Yadav Resident Of  
Chitranjan Road, Naya Tola Ward No. 10, P.S. Laikhisarai, District-Lakhisarai

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sonu Kumar Son Of Bhaso Chaudhary Resident Of Purani Bazar Ward No. 9, P.S. Lakhisarai, District- Lakhisarai

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Narsingh Tanti, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**  
**ORAL ORDER**

6      25-04-2024                                      Heard learned counsel for the appellant and  
  
learned Special P.P. for the State, on point of admission and on  
  
merit also.

2.            The appellant has preferred the present  
appeal under Section 14A(2) of the Scheduled Castes and  
Scheduled Tribes (Prevention of Atrocities) Act, 1989  
(hereinafter referred to as the “SC/ST Act”) against the refusal  
of prayer for bail vide order dated 06.10.2023 passed by the  
learned Additional District and Sessions Judge 1<sup>st</sup> – cum-  
Special Judge (SC/ST Act), Lakhisarai in connection with  
Lakhisarai SC/ST P.S. Case No.33 of 2023 registered under  
Sections 341, 323, 308, 379, 504, 506/34 of Indian Penal Code



and Section 3(i)(r)(s) / 3(2)(va) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. The allegation against the appellant is to have assaulted the informant by means of iron rod and lathi and further alleged that taken away cash of Rs. 8000/- from the informant.

5. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case due to village politics. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against the appellant, which attracts atrocities within the meaning of the SC/ST Act. It is also submitted that similarly situated co-accused persons have already been granted bail by this Court in Cr. Appeal (SJ) No.4418 of 2023 on 16.10.2023 and in Cr. Appeal (SJ) No. 5232 of 2023 on 28.02.2024. It is further submitted that appellant is a man of clean antecedent and he is in custody since 06.06.2023.

6. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in *State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.*



7. Learned Special P.P. for the State opposes the prayer for bail of the appellant.

8. In view of the submissions as made by learned counsel for the petitioner and as similarly situated co-accused person has already granted bail and the allegation against this petitioner is general and omnibus in nature, where, petitioner is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Lakhisarai SC/ST P.S. Case No.33 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1<sup>st</sup> – cum- Special Judge (SC/ST Act), Lakhisarai.

9. Accordingly, impugned order dated 06.10.2023 is set aside.

10. Hence, appeal stands allowed.

**(Ramesh Chand Malviya, J)**

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