

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5419 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- SC/ST District- Samastipur

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Satyaprakash @ Satyaprakash Kushbaha @ Satyaprakash Kushwaha Son Of
Ram Naresh Singh R/O Village - Sombaha, P.S.- Chakmehsi, Dist.-
Samastpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-07-2024 Heard learned counsel for the appellant and the State.

Nobody appears for respondent no.2 inspite of service of notice.

2. This appeal has been filed for setting aside order dated 19.10.2023 passed in a case registered for the offence punishable under sections 341, 323, 379, 504, 506/34 of the IPC and section 3(i)(r)(s)/3(ii)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, while the informant was returning from the house of one Ravi Raushan, village Hariharpur by car and in the way when he reached at Birauli Chowk, he and stopped his car and asked his friend to bring water from Betal shop. In the meantime, appellant and four unknown accused persons surrounded the car of respondent



no.2, abused him by caste name and tried to pull out from the vehicle. Appellant assaulted him with fists and slaps. Accused persons snatched gold chain worth Rs.1.20 lacs and cash Rs.2000/- from him.

4. Learned counsel appearing for the appellant submits that the present case has been lodged for taking vengeance and to settle political dispute in the election of Vice Chairman of the District Board. F.I.R. has been lodged after delay of four days without any explanation which renders the entire prosecution case doubtful. It is not the case of the informant that any member of public was present on the spot at the time of occurrence, as such, the incident did not take place within public view and hence no offence under the SC/ST Act is made out against the appellant. Moreover, there is general and omnibus allegation of having abused and assaulted respondent, and no specific overt act has been alleged against the appellant.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. 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 Special Judge, S.C/S.T. Act, Samastipur in connection with Samastipur Police Station Case No. 69 of 2023.

(Prabhat Kumar Singh, J)

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