

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5616 of 2023

Arising Out of PS. Case No.-808 Year-2023 Thana- AHYAPUR District- Muzaffarpur

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Nitesh Kumar @ Nitish Kumar S/O DINESH RAY Resident of Village-
Hamidpur, P.S. Ahiyapur, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Paswan S/O Chaturi Paswan Resident of Village- Hamidpur, P.S.
Ahiyapur, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhavesh Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-05-2024 Despite valid service of notice, no one appears on
behalf of the respondent no. 2.

2. Heard the parties.

3. This appeal has been filed against the order dated
31.08.2023 passed by learned Special Judge SC/ST (PoA) Act,
Muzaffarpur in connection with A.B.P. No. 2722 of 2023 arising
out of Ahiyapur P.S. Case No. 808 of 2023, registered under
Sections 447, 427, 511, 337, 323, 34 of the Indian Penal Code
and Sections 3(1)(r)(s) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of appellant has been rejected.



4. It is alleged that the appellant along with other co-convicts were making attempt to break the statue of Dr. Bhim Rao Ambedkar with stones and when the informant asked him not to do so then he assaulted him with stone and belt due to which he sustained injuries.

5. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case only for extraneous consideration. Both the parties are next door neighbours and there is dispute between the parties over pathway for which scuffle took place. It is not the case of the prosecution, that any member of public was present at the time of occurrence or within the public view, as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for State opposes the bail application.

7. Considering the aforesaid facts, let the appellants, 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 Special Judge SC/ST (PoA) Act, Muzaffarpur in connection with A.B.P. No. 2722 of



2023 arising out of Ahiyapur P.S. Case No. 808 of 2023.

8. Accordingly, the impugned order dated 31.08.2023
is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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