

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.30 of 2024

Arising Out of PS. Case No.-545 Year-2023 Thana- MASHRAK District- Saran

ANUJ KUMAR @ ANUJ KUMAR SINGH SON OF DINESH SINGH
RESIDENT OF VILLAGE - BENCHHAPRA, P.S. - MASRAKH, DISTRICT
- SARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. VIVEK KUMAR SON OF CHANDAN PASWAN RESIDENT OF
VILLAGE - SIHAUTA, P.S. - MAHARAJGANJ, DISTRICT - SARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anjani Parashar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P. Mr. Arbind Kumar, Mr. R.K.Dubey, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-08-2024 Heard learned counsel for the appellant, learned
Special P.P. for of the State and learned counsel appearing on
behalf of Respondent No. 2.

2. This appeal has been filed against the order dated
30.11.2023 passed by learned Exclusive Special Judge, SC/ST
Act, Chapra, Saran in connection with Mashrak P.S. Case No.
545 of 2023, registered under Sections 341, 323, 325, 504,
373/34 of the Indian Penal Code and Section 3(1)(r)(s) of
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (for short “SC/ST Act”), whereby the prayer for
anticipatory bail of appellant has been rejected.

3. As per F.I.R., this appellant is alleged to have



assaulted informant, as a result of which, informant sustained injury on his back, neck and hand. The accused persons are also alleged to have abused informant by caste name.

4. Learned counsel for the appellant submits that falsity of the F.I.R. would be apparent from this fact alone that the alleged occurrence is said to have taken place on 22.10.2023, but the injury report of the informant was prepared on 20.10.2023 and F.I.R. has been lodged on 01.11.2023 i.e. after 8 days of the occurrence without any plausible explanation of delay. He further submits that no such occurrence, as alleged in the F.I.R., has ever taken place. Appellant has been falsely implicated in this case. The F.I.R. does not disclose that at the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal.

6. Considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, the impugned order dated 30.11.2023 is, hereby, set aside and this criminal appeal is



allowed.

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 Act, Chapra, Saran in connection with Mashrak P.S. Case No. 545 of 2023.

(Prabhat Kumar Singh, J)

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