

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.11 of 2024

Arising Out of PS. Case No.-213 Year-2023 Thana- MAHKAR District- Gaya

PAPPU KUMAR SON OF ARUN YADAV RESIDENT OF NAI BAZAR
SABAZPUR, POLICE STATION - MAHKAR, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SANJAY CHOUDHARY SON OF BALMIKI CHOUDHARY RESIDENT
OF VILLAGE - HASANPUR TOLA BALWAPAR, POLICE STATION -
MAHKAR, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-03-2024

1. Heard learned counsel for the parties.

2. This is an appeal under Section 14-A(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 anticipatory bail vide order dated 30.11.2023 in A.B.P. No. 407 of 2023 passed by the learned Exclusive Special Judge, S.C./S.T. Spl. Court, Gaya in connection with Mahkar P.S. Case No. 213 of 2023 registered under Sections 323, 341, 307, 504 and 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(v-a) of the SC/ST Act.

3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and is a student.



4. The respondent no. 2 alleges that on 27.09.2023 at 06:00 p.m. two named accused persons including the appellant came in a drunken condition to his cigarette shop and bought cigarette and Gutka without paying any money and when the respondent no. 2 requested them to pay the money when they said to get it at Nai Bazar. It is further alleged that when the respondent no. 2 was going to the mill the accused persons abused the respondent no. 2 by taking his caste name and even assaulted him causing injury on the head.

5. Learned counsel for the appellant submits that from perusal of the allegation as alleged in the FIR, it would manifest that there is an admitted dispute in between the respondent no. 2 and the accused persons including the appellant. It is further submitted that the allegation of abuse and assault is general and omnibus in nature as the respondent no. 2 does not disclose that as to who amongst the accused abused him and assaulted him nor the FIR even remotely suggest that the occurrence was witnessed by any independent witness.

6. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail but are not in a position to rebut the submissions of the learned counsel appearing on behalf of the



appellant that the allegation of assault and abuse is not specific rather is general and omnibus in nature nor the occurrence was witnessed by any independent witness.

7. Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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