

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.226 of 2024**

Arising Out of PS. Case No.-1155 Year-2023 Thana- DOBHI District- Gaya

Kamlesh Mistri @ Kamlesh Kumar SON OF Badho Mistri Village -Achwan
PS- Dobhi Dist -Gaya

... .. Appellant/s

Versus

- 1 . The State of Bihar
- 2. PRABHA DEVI WIFE OF LATE ANIL PASWAN RESIDENT OF
VILLAGE- ACHWAN, PS- DOBHI, DISTT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP
For respondent : Mr. Prithvi Raj Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 16-01-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 31.03.2023 passed in a case registered for the offence punishable under sections 420 and 406 and other allied sections of the Indian Penal Code and sections 3 (v) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . The prosecution case , in brief, is that on 08.11.2023 at about 3 P M, while the son of the informant was going to purchase the household articles, in the meantime all the accused persons intercepted the son of the informant and abused him by caste name and assaulted him on account of which son of informant sustained injury .

4. It is submitted that these appellant is innocent and committed no offence as alleged. Allegation of assault is general and omnibus. Injury allegedly caused by the accused persons is found to be simple in nature . F.I.R., does not disclose that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . The learned Special public prosecutor for the State and respondent No. 2 vehemently opposed the prayer for bail of the appellant.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 Exclusive Special Judge
SC / ST Special Court Gaya in connection with A B P No. 417
of 2023 arising out of Sherghati (Dhobi) P S Case No. 1155
of 2023 .

(Prabhat Kumar Singh, J)

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