

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.263 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- SC/ST District- Purnia

Umesh Singh Son Of Raso Singh Resident Of Village - Parora, Police Station
- K. Nagar, District - Purnia

... .. Appellant/s

Versus

1. The State Of Bihar
2. Manoj Rishi Son Of Late Ramdeo Rishi Resident Of Village - Parora, Police Station - K. Nagar, District - Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-09-2025 Despite filing *Vakalatnama*, none appears on behalf
of the respondent No. 2.

2. Heard learned counsel for the appellant and learned
Spl. Public Prosecutor for the State.

3. This criminal appeal has been filed against the
order dated 07.12.2023 passed by learned Special Judge (SC &
ST) Act, Purnia in ABP No. 145 of 2023 in connection with
SC/ST P.S. Case No. 39 of 2023, instituted under Sections 341,
323, 307, 504, 506/34 of the Indian Penal Code and Sections
3(i)(v)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of appellant has been rejected.



4. Prosecution case, in brief, is that on 21.08.2023 at about 6-7 PM, this appellant put *Gamcha* around the neck of informant and all the F.I.R. named accused persons assaulted him by means of *farsa* and abused by caste name.

5. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in this case due to political rivalry. Allegation of assault is general and omnibus and there is no specific accusation of overt act against the appellant. Injuries sustained by the injured are simple in nature. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant.

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

7. Considering the nature of accusation and injury, let the appellant, as named above, in the event of his arrest/surrender within a period of eight 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 Special Judge (SC & ST) Act, Purnia in connection with SC/ST P.S. Case No. 39 of 2023.

8. Accordingly, this criminal appeal is allowed and



impugned order dated 07.12.2023 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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