

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.286 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- DERNI BAZAR District- Saran

Nishant Kumar @ Nishant Kumar Ram Son Of Santosh Ram Resident Of
Village - Itwa, P.S. - Garkha, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Adarsh Kumar Son of Loknath Manjhi Resident Of Village - Mahesiya, P.S.
- Derni, District - Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nalin Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Despite the notice having been validly served, no
one appears on behalf of the Respondent No. 2.

3.This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for
anticipatory bail vide order dated 20.12.2023 passed by the
learned Exclusive Special Judge, SC/ST, Saran passed in A.B.P.
No. 4512 of 2023 in connection with Derni P.S. Case No. 207 of
2023 registered for the offence/s punishable under Sections
323, 324, 379, 341, 504, 506, 307/34 of the I.P.C and under



Section 3(i) (r)(s) of the SC/ST (POA) Act.

4. As per the prosecution case, the informant has alleged that the three named accused persons initially abused the informant taking his caste name; however, it is alleged that the co-accused, namely, Jitesh Singh and Bittu Sharma held him by his hands and the appellant gave a blow on the head of the informant with an iron rod. It is further alleged that the three persons gave threatening of dire consequences and Bittu Sharma is alleged to have drawn Rs. 3000/- out of the pocket of the informant and fled away.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the case and no such incident as alleged has occurred. It has been submitted that though the allegation is upon the appellant to have assaulted the informant on his head; however, from the perusal of the case diary it would be evident that the injury sustained is found to be simple in nature. It is lastly submitted that the appellant has clean antecedent.

6. The learned Spl. PP for the State has vehemently opposed the prayer for bail and has stated that it is the appellant who has assaulted on the head of the informant.

7. In view of the aforesaid facts and circumstances of



the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 20.12.2023 passed by the learned Exclusive Special Judge, SC/ST, Saran passed in A.B.P. No. 4512 of 2023 in connection with Derni P.S. Case No. 207 of 2023, is set aside against the appellant. The criminal appeal is allowed.

8. Considering the aforesaid submissions and taking into account that the injuries sustained by the informant were found to be simple in nature as also the fact that there is no specific case being made out under the SC/ST (POA) Act., let the appellant above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Derni P.S. Case No. 207 of 2023 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) The appellant is directed to remain physically present before the learned Court below on each and



every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(ii) The appellant shall not, in any manner, threaten, contact, or attempt to influence the informant or any witness connected with the case.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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