

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.341 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- JANTA BAZAR District- Saran

Dharmendra Singh Son of Brijnandan Singh R/O Vill.- Senduar, P.S.- Janta Bazar, Dist.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bharat Manjhi Son of Kanhaiya Manjhi R/O Vill.- Senduar, P.S.- Janta Bazar, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Javed Aslam, Advocate

For the Respondent/s : Mrs. Usha Kumari I, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-01-2025 Despite valid service of notice, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the State.

3. This criminal appeal has been filed against the order dated 03.11.2023 passed by learned Exclusive Special Judge, Saran at Chapra in ABP No. 3791 of 2023 in connection with Janta Bazar P.S. Case No. 149 of 2023, instituted under Sections 341, 342, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) 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 10.08.2023 at about 3 AM, this appellant called informant on phone and when he reached at the house of appellant, all the F.I.R. named accused persons started abusing him by caste name and on the order of this appellant, all the accused persons assaulted informant with fists and slaps and took Rs. 5,000/- from his pocket.

5. Learned counsel for the appellant submits that parties are co-villagers and due to petty dispute, scuffle took place between them. Present case is counter blast of Complaint Case No. 2974 of 2023 filed by the appellant against informant and others. Rest of allegations are super addition to make the case grave. It is not the case of informant that the alleged incident occurred within public view as such, no offence under SC/ST Act is made out.

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

7. Considering the aforesaid facts, 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 Exclusive



Special Judge, Saran at Chapra in ABP No. 3791 of 2023 in connection with Janta Bazar P.S. Case No. 149 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 03.11.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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