

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.350 of 2025

Arising Out of PS. Case No.-130 Year-2024 Thana- AGIAON BAZAR District- Bhojpur

Niraj Kumar S/o Tulsi Yadav R/o vill - Nadhi, P.S. - Agiaon Bazar, Distt.- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Kumar S/o Janardan Paswan R/o vill - Agiaon Bazar, P.S. - Agiaon Bazar, Distt.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Res. No. 2	:	Md. Ataul Haque, Advocate
		Ms. Phool Jahan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-03-2025 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 16.12.2024 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC & ST), Bhojpur at Ara in ABP No. 3286 of 2024 in connection with Agiaon Bazar P.S. Case No. 130 of 2024, instituted under Sections 126(2), 115(2), 109(1), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(1), 3(1)(d) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

4. As per prosecution case, on the alleged date and time of the occurrence, this appellant along with other accused



persons named in the F.I.R., abused informant by caste name and assaulted him with iron rod. It is further alleged that the accused persons also snatched gold locket from the neck of informant.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Allegation of assault is general and omnibus and injury allegedly caused by this appellant is 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. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent No. 2 vehemently opposed the bail application.

7. Considering the nature of accusation and simple 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 1st Additional District & Sessions Judge-cum-Special Judge (SC & ST), Bhojpur at Ara in connection with Agiaon Bazar P.S. Case No. 130 of 2024.



8. Accordingly, this criminal appeal is allowed and impugned order dated 16.12.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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