

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.486 of 2024

Arising Out of PS. Case No.-190 Year-2023 Thana- SARE District- Nalanda

Pali Kumar @ Digambar Kumar S/o- Ram Pravesh Singh VILLAGE -
KHETANPURA, P.S. - SARE, DISTRICT - NALANDA

... .. Appellant/s

Versus

1. The State of Bihar
2. Gautam Kumar son of Ranjay Prasad Village- Naurojpur Ps- SAre Dist-
nalanda

... .. Respondent/s

Appearance :

For the Appellant : Mr. Rajesh Chaudhary , Advocate
For the State : Ms. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-07-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 13.12.2023 passed in a case registered for the offence
punishable under Sections 341, 323, 307, 504, 506, 354, 294,
379 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and
3(2)(va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.

4. As per prosecution case, informant, namely Gautam



Kumar, alleged that on 15.10.2023, all the F.I.R. named accused persons, including this appellant, suddenly came and started abusing informant by caste name. It is further alleged that they also looted articles and cash from his shop and when one Anand Kumar objected, they brutally assaulted him.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, both parties are co-villagers and due to petty dispute, verbal duel took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. It is further submitted that informant does not belong to Scheduled Caste or Scheduled Tribe and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the



impugned order dated 13.12.2023 passed by the learned Additional District and Sessions Judge-VI, Nalanda at Bihar Sharif in connection with A.B.P. No. 2339 of 2023 arising out of Sare P.S. Case No. 190 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, 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 learned Additional District and Sessions Judge-VI, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 190 of 2023.

(Prabhat Kumar Singh, J)

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