

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2127 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SC/ST District- Gopalganj

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Anurag Patel Son of Durga Patel @ Durgesh Patel Resident of Village - Ahirauli Dubauli, P.O.- Narahawa Shukla, P.S.- Gopalpur, District - Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Ram Son of Late Khublal Ram Resident of Village - Ahirauli Dubauli, P.O.- Narahawa Shukla, P.S.- Gopalpur, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shashi Ranjan Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.
For Respondent No. 2	:	Mr. Subhesh Pandey, Advocate
		Mr. Amit Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-05-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 14.03.2024 passed by learned XI Additional Sessions Judge-cum-Exclusive Special Judge, Gopalganj in connection with ABP No. 649 of 2024 arising out of Gopalganj SC/ST P.S. Case No. 11 of 2024, registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. On the alleged date and time of occurrence, while



informant was working in temple, it is alleged that all the F.I.R. named accused persons including this appellant abused him by caste name and also assaulted him with iron rod.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He next submits that the present case is counter blast of Gopalpur P. S. Case No. 45 of 2024. Both parties are co-villagers and in order to save their skin from the aforesaid case which was lodged by father of this appellant against informant and others, this false and concocted case has been lodged. Injury allegedly caused by this appellant is simple in nature. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation, case and counter case, simple injury and clean antecedent, 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 XI Additional Sessions Judge-cum-Exclusive Special Judge, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 11 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 14.03.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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