

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.799 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- DEWARIA District- Muzaffarpur

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Kabindra Kumar @ Raju @ Rajeev Kumar Gupta, Son of Sitaram Sah @
Sitaram Prasad Gupta Resident of Village- Deoria, Kothi Purvi, P.S.- Deoria,
District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagendra Ram, Son of Shiv Charan Ram, Resident of Village- Deoria, P.S.-
Deoria, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Yugal Kishore, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 04-12-2025 Heard learned counsel appearing for the appellant,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the informant/Opposite

Party No. 2.

2. This appeal has been filed for setting aside the

order dated 10.01.2024 passed by learned Special Judge- SC/ST

(Prevention of Atrocities) Act, Muzaffarpur in A.B.P. No.



4551/2023, arising out of Deoria P.S. Case No. 208/2023 dated 14.10.2023, registered for the offences punishable under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code read with Section 3(1)(r),(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. In the F.I.R., the informant has alleged that on 11.10.2023, at about 2:30 P.M. when informant was answering to the questions asked by the Enquiry Committee member regarding construction of toilet, then named accused persons, including this appellant started abusing the informant by caste name and assaulted him by *lathi-danda*. Appellant and accused Nehal Anshu tied *gamcha* in the neck of the informant and started pulling the *gamcha* with intention to kill him. When other persons came to rescue him, all the F.I.R. named accused persons also assaulted them.

4. Learned counsel for the appellant submits that there is general and omnibus allegation and the appellant is innocent and has falsely been implicated in this case.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the informant/Opposite Party No. 2



vehemently opposed the appeal and submitted that petitioner has criminal antecedent.

6. Considering the accusation and criminal antecedent of the appellant, prayer for anticipatory bail of the appellant is rejected.

7. The appeal stands dismissed.

(Prabhat Kumar Singh, J)

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