

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.916 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- KHANPURA District- Samastipur

Sachin Kumar, S/o Lal Bahadur Ray @ Lal Bahadur Roy, R/o vill –
Chamarbadha, Ward No. 5, P.S. - Khanpur, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Paswan, S/o Bharat Paswan, R/o vill - Chamarbadha, Ward No. 5, P.S. - Khanpur, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shekhar Harshvardhan, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 13-11-2025 Heard learned Advocate for the appellant and the
learned Advocate for the State.

2. It would be pertinent to notice that despite valid service of notice, there is no representation on behalf of the opposite party no. 2.

3. The present appeal is preferred against the order dated 21.12.2023 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur, passed in Khanpur P.S. Case No. 212 of 2023 by invoking the jurisdiction of this Court under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) passed in A.B.P. No. 3924 of 2023 registered for the



offences punishable under Sections 341, 323, 354(B), 307, 379, 504 and 506 of the Indian Penal Code as well as Section 3(1)(r) (s) of the SC/ST Act whereby the appellant's anticipatory bail stood rejected.

4. Allegedly while the children were playing cricket, in the meanwhile, the appellant alongwith other co-accused persons came there and started abusing the informant by calling his caste name, which lead to altercation, wherupon, some of the accused persons brutally assaulted the informant and others. It is specifically alleged that this appellant gave a fist blow to the cousin of the informant, due to which her teeth got dislocated. There is further allegation of abusing and assault against other accused persons.

5. Learned Advocate for the appellants submitted that the present FIR is instituted based upon a complaint case bearing no. 155 of 2023 which came to be instituted on 31.07.2023 with regard to an occurrence which took place on 23.07.2023. In fact, on account of free fight during the course of playing cricket, some unfortunate injuries have taken place, however, only in order to wreck vengeance and put pressure, the present FIR has been instituted. The allegation is omnibus in nature and moreover, even if taken to be true, it has not been alleged that the abusive language have been used in order to



lower down the prestige of respondent no. 2 and his family members, hence, no case is made out under the penal provision of SC/ST (Prevention of Atrocities) Act. The appellant is a man of tender age, having fair antecedent, undertakes that he will fully cooperate in the proceeding of the Court.

6. On the other hand learned Spl. PP for the State vehemently opposed the prayer of the appellant and submitted that there is serious allegation against the appellant of causing assault to the cousin of the informant, besides the use of abusive language by taking the caste name of respondent no. 2.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the genesis of the occurrence and the submission that the abusive language has not been used for the purposes of lowering down the prestige of the respondent no. 2, besides the fair antecedent, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, S.C./S.T. (POA) Act, Samastipur in connection with Khanpur P.S. Case No. 212 of



2023, subject to the condition that one of the bailors shall be the own/close family members of the appellant.

8. In view thereof, the impugned order dated 21.12.2023 passed in A.B.P. No. 3924 of 2023 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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