

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.839 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- SC/ST District- Lakhisarai

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Rustum Kumar @ Rustum Kumar Saw Son of Tuna Sao @ Rakesh Kumar
Saw Village- Mananpur PS- Halshi, Dist- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Upendra Kumar S/o Chamru Paswan R/V- Kandi, P.S.- Halsi, District-
Lakhisarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajnish Chandra, Adv.
For the informant	:	Mr. Jainendra Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 10-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail of
the appellant vide order dated 31.01.2025 passed by the learned
District & Additional Sessions Judge-I-cum-Special Judge
(SC/ST Act), Lakhisarai in connection with B.P. No. 16/2025
arising out of Lakhisarai SC/ST P.S. Case No. 21 of 2024 dated
14.08.2024 registered for the alleged offences punishable under
Sections 126(2), 115, 118(1), 303(2), 351(1) read with Section
3(5) of the B.N.S. and Sections 3(1)(r)(s)/ 3(2)(va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 12.08.2024, the informant and his friends namely, Rohit Kumar and Vikash Kumar were returning from a village, in the meantime, the appellant and the co-accused persons started abusing the informant by calling his caste name. The co-accused, Rupesh Kumar assaulted the informant with iron and khanti causing head injury and bleeding and thereafter, the appellant assaulted the informant with danda and took out Rs. 1000/-. When the informant's friend Rohit Kumar and Vikash Kumar came to rescue the informant, the accused persons also assaulted them.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. Learned counsel has further submitted that the matter has been compromised between the parties and the compromise petition is annexed as Annexure-A with the supplementary affidavit filed on behalf of the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since



24.12.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have submitted that both the parties have compromised the matter.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 31.01.2025 passed by the learned District & Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Lakhisarai in connection with B.P. No. 16/2025 arising out of Lakhisarai SC/ST P.S. Case No. 21 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Lakhisarai in connection with B.P. No. 16/2025 arising out of Lakhisarai SC/ST P.S. Case No. 21 of 2024.

(Chandra Prakash Singh, J)

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