

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.869 of 2025

Arising Out of PS. Case No.-227 Year-2024 Thana- MANER District- Patna

Dinesh Kumar S/O Manoj Rai @ Manoj Kumar R/O Village- Tata Colony,
Madhopur, Panchayat, P.S- Maner, Distt.- Patna.

... .. Appellant

Versus

1. The State of Bihar.
2. Shyam Babu Rajak S/O Late Bangali Rajak CRPF S.I, R/O Jamuniya Tola
(Near Murgi Farm), P.S- Maner, Distt.- Patna. Permanent Address-
Suwarmarwa, P.S- Maner, Distt.- Patna, Bihar.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Satrudhan Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.

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

ORAL ORDER

5 10-07-2025 Heard learned counsel for the appellant, learned
counsel for the complainant and the learned Special Public
Prosecutor appearing on behalf of 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 *vide* order dated
25.06.2024 passed by the learned Exclusive Special Judge, SC/ST
(PoA) Act, Patna in Special Case No. 463 of 2024, arising out of
Maner P.S. Case No. 227 of 2024 dated 04.04.2024 registered for
the offences punishable under Sections 341, 323, 307, 504 and 506
read with Section 34 of the Indian Penal Code and under Sections
3(i)(r)(s) of the SC/ST (PoA) Act.



3. As per the prosecution case, it is alleged that “Grih Pravesh” function was taking place at the complainant’s house, in the meantime, the co-accused persons including the appellant armed with iron-rod, lathi and danda came there and started abusing and assaulting the complainant and his family members by calling their caste name and they also assaulted the complainant’s son, Vikash Kumar on his head with iron-rod causing injury.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident, hence no case is made out under SC/ST Act. It is further submitted that as per allegation in the FIR, the alleged occurrence took place on 28.03.2023 and FIR has been lodged on 04.04.2024 after a delay of more than a year, afterthought only to harass the appellant. It is further submitted that injury received by complainant is found to be simple in nature. Similarly situated co-accused has already been granted bail by this Court *vide* order dated 26.06.2025 passed in Cr. App (SJ) No. 520 of 2025. The appellant has one criminal antecedent as stated in para no. 3 of the bail petition. The appellant is in custody since 19.12.2024.



5. Learned counsel for the complainant as well as learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant.

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 25.06.2024 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Patna in connection with in Special Case No. 463 of 2024, arising out of Maner P.S. Case No. 227 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 only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (PoA) Act, Patna in connection with in Special Case No. 463 of 2024, arising out of Maner P.S. Case No. 227 of 2024.

(Chandra Prakash Singh, J)

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