

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.863 of 2025

Arising Out of PS. Case No.-495 Year-2024 Thana- MALSALAMI District- Patna

Sushant Kumar @ Shashank Kumar S/o Sanjay Kumar Sharma Residing at Barri Ngla, PS - Malsalami, and permanently R/O- Chutkiya Bazar, Shakha-Sampatchak, Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishnu Chaudhary @ Petari S/o Late Jaglal Chaudhary R/o vill - Barri Nagla, P.S.- Malsalami, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vishal Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Informant	:	Mr. Rabish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 06-08-2025 Heard learned counsel for the appellant, respondent no. 2 and the State.

2. This criminal appeal has been filed against the order dated 13.01.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in ABP No. 5062 of 2024 in connection with Malsalami P.S. Case No. 495 of 2024, instituted under Sections 126, 115(2), 109, 352, 3(5) of the Bharatiya Nyaya Sanhita, Section 27 of the Arms Act and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per prosecution case, co-accused Mukul Kumar



assaulted informant with the butt of pistol and this appellant abused informant by caste name and assaulted with fist.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in this case due to money dispute. As a matter of fact, informant had borrowed Rs. 10,000/- from the appellant and despite repeated requests from the appellant to return the same, informant kept refusing and delaying the payment which led to an occurrence of *maar-peet* between the parties and taking advantage of the situation, this false and concocted case has been lodged against appellant. He further submits that though there is allegation of assault with fist but no injury report is annexed on record to substantiate the allegation levelled against appellant. Moreover, it is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of dispute and other facts and circumstances of the case, 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 Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in ABP No. 5062 of 2024 in connection with Malsalami P.S. Case No. 495 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 13.01.2025 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

