

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1131 of 2023

Arising Out of PS. Case No.-531 Year-2022 Thana- WARISLIGANJ District- Nawada

AMIT SINGH S/O Nawal Singh @ Nawal Kishore Singh R/O Village-
Chakway, P.S- Warsaliganj, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Shravan Kumar @ Shravan Kumar Chaudhary S/O Lakhan Chaudhary R/O
Village- Chakway, P.S- Warisaliganj, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 14-07-2025 Despite filing *Vakalatnama*, none appears on behalf of
the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 09.02.2023 passed by learned Exclusive Special
Court Scheduled Caste and Scheduled Tribe (POA) Act,
Nawada in ABP No. 2986 of 2022 in connection with
Warisaliganj P.S. Case No. 531 of 2022, instituted under
Sections 341, 323, 307, 354, 504, 506/34 of the Indian Penal
Code and Sections 3(2)(Va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the



prayer for anticipatory bail of appellant has been rejected.

4. As per the F.I.R., on the alleged date and time of the occurrence, all the accused persons including this appellant, variously armed, came at the house of the informant and co-accused Subir Singh assaulted mother of the informant with iron rod on right leg, causing fracture. It is further alleged that all the accused persons also assaulted her by means of *lathi*, *danda*, and iron rod. The reason for the occurrence is quarrel between children of both the parties.

5. Learned counsel for the appellant submits that the alleged occurrence took place on 11.09.2022 but F.I.R. has been lodged on 17.09.2022 i.e. after inordinate delay of 6 days without any reasonable explanation which itself creates doubt over the veracity of the prosecution case. He further submits that as per F.I.R., all the accused persons including this appellant assaulted the mother of informant but doctor has found only one injury on her right thigh. Allegation of assault against the appellant is general and omnibus. Furthermore, it is not the case of the prosecution, that alleged incident occurred within the public view as such, no offence under SC/ST Act is made out.

6. Learned Spl. Public Prosecutor for the State



vehemently opposed the bail application.

7. Considering the aforesaid facts, 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 Court Scheduled Caste and Scheduled Tribe (POA) Act, Nawada in ABP No. 2986 of 2022 in connection with Warisaliganj P.S. Case No. 531 of 2022

8. Accordingly, this criminal appeal is allowed and impugned order dated 09.02.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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