

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1555 of 2024

Arising Out of PS. Case No.-920 Year-2023 Thana- RUPASPUR District- Patna

=====

Gagan Kumar @ Gagan son of Raja Ram Bind R/o- Sawari Nagar Danapur
Ps- Rupaspur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar son of Late Rajendra Prasad Village- Haridas Pur Nagar Ps-
Rupaspur Dist- Patna

... .. Respondent/s

=====

Appearance :

For the Appellant	:	Mr. Madhukar Mohan, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Shivendra Kumar Roy, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 14-08-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 13.02.2024 passed in a case registered for the offence punishable under Sections 341, 323, 324, 506, 504 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case, in brief, is that on 14.11.2023, this appellant, along with three unknown persons,



forcibly entered into house of informant and started assaulting wife of informant with butt of pistol as a result of which she sustained injuries. It is further alleged that all the accused persons abused wife of informant with caste name and threatened to kill.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, informant had borrowed Rs. 2,45,000/- from this appellant and when he demanded his money back, this false and concocted case has been lodged. Doctor has found the injuries, sustained by the injured, simple in nature. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case



and nature of injuries sustained by the injured, this appeal is allowed and the impugned order dated 13.02.2024 passed by the learned Exclusive Special Judge, S.C./S.T., Patna in connection with A.B.P. No. 481 of 2024 arising out of Rupaspur P.S. Case No. 920 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T., Patna in connection with Rupaspur P.S. Case No. 920 of 2023.

(Prabhat Kumar Singh, J)

shashank/-

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

