

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1601 of 2024**

Arising Out of PS. Case No.-91 Year-2023 Thana- SC/ST District- Rohtas

Subodh Kumar Upadhyay @ Appu Upadhyay @ Appu Kumar Upadhyay  
SON OF INDRAJEET UPADHYAY VILLAGE- MAUDIHA PS -AYAR  
KOTHA DISTRICT -ROHTAS

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Kumari WIFE OF Jai Prakash Ram VILLAGE- MAUDIHA PS  
-AYAR KOTHA DISTRICT -ROHTAS

... .. Respondent/s

**Appearance :**

|                   |   |                                     |
|-------------------|---|-------------------------------------|
| For the Appellant | : | Mr. Mithilesh Kumar Singh, Advocate |
| For the State     | : | Mr. Sadanand Paswan, Spl.P.P.       |
| For the Informant | : | N o n e                             |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      14-08-2025                      Heard learned counsel appearing for the appellant and  
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on  
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order  
dated 05.02.2024 passed in a case registered for the offence  
punishable under Sections 323, 354B, 341, 504, 506 and 34 of  
the Indian Penal Code and Sections 3(1)(r)(s) and 3(ii)(va) of  
the Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, whereby the prayer for anticipatory bail of the  
appellant has been rejected.



4. As per prosecution case, informant, namely Rinku Kumari, alleged that on 27.11.2023 at about 11 A.M., all the F.I.R. named accused persons, including this appellant, abused by caste name and assaulted informant and her family members with *lathi*, *danda* and *farsa*. As per F.I.R., this appellant assaulted sister-in-law and daughter-in-law of informant with *danda*.

5. 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, both parties are co-villagers and due to land dispute between the parties, this false and concocted case has been lodged. It is further submitted that though this appellant is alleged to have assaulted family members of informant with *danda*, 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.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.



7. 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 05.02.2024 passed by the learned Additional Sessions Judge-17-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Rohtas at Sasaram in connection with S.C./S.T. P.S. Case No. 91 of 2023 is hereby set aside with respect to this appellant only.

8. 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 Additional Sessions Judge-17-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Rohtas at Sasaram in connection with S.C./S.T. P.S. Case No. 91 of 2023.

**(Prabhat Kumar Singh, J)**

shashank/-

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