

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1592 of 2024

Arising Out of PS. Case No.-167 Year-2020 Thana- BUNIYAD GANJ District- Gaya

RAMESH KUMAR @ RAMESH KANDU SON OF SHAMBHU SAW
RESIDENT OF VILLAGE / MOHALLA - GADHPAR (GARHPAR), P.S. -
BUNIYADGANJ, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PAWAN PASWAN SON OF RAMANAND PASWAN RESIDENT OF
VILLAGE / MOHALLA - JODA (JORA) MASJID, P.S. - BUNIYADGANJ,
DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Diwakar, Adv.
	:	Mr. Priya Kumari, Adv.
	:	Mr. Deepak Kumar, Adv.
	:	Mr. Sudhakar Ranjan, Adv.
	:	Mr. Sonu Kumar, Adv.
	:	Ms. Saheeba Naz, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For Resp No.2	:	Mr. Gajendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 16.02.2024 passed by learned Exclusive Special Judge, S.C/S.T. Court, Gaya in connection Buniyadganj P.S. Case No. 167 of 2020, registered under Sections 341, 323, 307, 354, 34 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(v-a) of 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, on 12.10.2020, women of Gadh Par sat on the road to defecate which was objected by the family members of the complainant. On this those women abused the family members of complainant by caste name and went away. After sometime 20-25 accused person including the appellant arrived and assaulted complainant with rod and abused wife of the complainant by caste name.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Both parties are co-villagers and there is no specific overt act against the appellant. The allegations levelled against the appellant is general and omnibus. The injury caused to the complainant is simple in nature. The present case is a counterblast of Buniyadganj P.S. Case No. 166 of 2020 lodged against the complaint and his family members. It is not the case of complainant that the alleged incident occurred within public view as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

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 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 Special Judge Schedule Caste/Schedule Tribe Act, Gaya in connection with Buniyadgaj P.S. Case No. 167 of 2020.

7. Accordingly, this criminal appeal is allowed and impugned order dated 16.02.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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