

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1809 of 2024

Arising Out of PS. Case No.-437 Year-2023 Thana- SHAHKUND District- Bhagalpur

Vishal Kumar son of Late Vikash Yadav R/o Sajuwa, P.S.- Asarganj, District-
Munger, at present Village- Daspur, P.S.- Sajour, dist.- Bhagalpur

... .. Appellant/s

Versus

- 1 . The State of Bihar Patna
2. Arun Paswan Son of Lutan Paswan R/O vill Kishanpur/Arkhorla P.S. Sajore
Dist Bhagalpur

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-11-2025 Heard learned counsel for the parties. Despite valid
service of notice , nobody appears on behalf of respondent No.2.

2. This appeal has been filed for setting aside order
dated 28.02.2024 passed in a case registered for the offence
punishable under sections 341, 323, 307, 307, 504, 506, and 34
of Indian penal code and 3(1) (r) (s) SC/ST Act, whereby the
prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely,



Ravi Kumar Paswan alleged that on 07.10.2023 , he had gone to Bhagalpur and while returning home , at about 05:12 PM, all the F.I.R. named accused persons including this appellant abused him by caste name and assaulted him due to which he sustained injury on eye and accused persons also threatened him with dire consequences.

4. It is submitted on behalf of appellant that both parties are co-villagers and on account of petty dispute , this false and concocted case has been lodged. Allegation of assault is general and omnibus. There is no injury report on record to substantiate the allegation of assault. It is further submitted that there is no material to suggest that the offence was committed solely on the ground that the informant belongs to Schedule caste and Schedule tribes and as such no offence under SC / ST Act is made out.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned ADJ III CUM Special
Judge SC/ST, Bhagalpur in connection with Shahkund (sajour)
Police Station Case No. 437 of 2023 .

(Prabhat Kumar Singh, J)

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