

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1867 of 2024

Arising Out of PS. Case No.-65 Year-2023 Thana- NAYAGAON District- Begusarai

Raushan Kumar @ Roushan Kumar son of Shree Ram Sah @ Sri Ram Sah @ Sri Lal Sah Resident of Village- Dariyapur, Bhawan No. 87(2), Hanspur Matihani, P.S.- Nayagaon, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Meera Devi Wife of Anil Rajak Resident of Village- Dariyapur, Ward No. 02, P.S.- Nayagaon, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Ms. Swati Parmar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-04-2025 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 12.03.2024, passed in a case registered for the offence punishable under Sections 341, 323, 307, 504, 506, 354 and 34 of the Indian Penal Code and Sections 3(i)(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. As per prosecution case, on 08.11.2023 at about 9 PM, while husband of informant was returning home, in the meantime, all the F.I.R. named accused persons, including this



appellant, started abusing informant by caste name. It is further alleged that two accused persons threw chilli powder in eyes of husband of informant and co-accused Uma Shankar Rajak slammed him on the ground due to which he sustained injuries on his head.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that there are general and omnibus allegations and no specific accusation of overt act has been levelled against this petitioner. As a matter of fact, husband of informant and his family members assaulted appellant and others for which co-accused Sushila Devi lodged a case bearing Nayagaon P.S. Case No. 64 of 2023 against husband of informant and others and in retaliation, this false and concocted case has been lodged. 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 Special P.P. for the State and learned counsel for the informant/Respondent No. 2 have



vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 12.03.2024 passed by the learned Special Judge, SC/ST (POA) Act, Begusarai in connection with A.B.A. No. 425 of 2024 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 the learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Nayagaon P.S. Case No. 65 of 2023.

(Prabhat Kumar Singh, J)

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