

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1917 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- SC/ST District- Nawada

Pali Yadav @ Santosh Kumar Son of Kuldeep Yadav Resident of Village -
Siur Jalsar, Police Station - Roh, District - Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Birendra Ram Son of Late Baso Ram Resident of Village - Kataiya, Police
Station - Roh, District - Nawada.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Birendra Kumar, Advocate Mr. Kumud Kishore, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Rajesh Ranjan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-11-2025 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 29.02.2024 passed in a case registered for the offence
punishable under Sections 147, 148, 323, 324, 379, 504 and 307
of the Indian Penal Code and Sections 3(1)(s), 3(1)(r) 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 prosecution case, it is alleged that this



appellant, along with other accused persons named in the F.I.R., assaulted son of informant and abused them by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. Injuries, allegedly caused by this appellant, are simple in nature. There is no material on record to suggest that the alleged offence was committed solely on the ground that the informant belongs to SC/ST community and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

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, general and omnibus nature of accusation, nature of injuries sustained by the injured and clean antecedents of the appellant, this appeal is allowed and the impugned order dated



29.02.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in connection with A.B.P. No. 580 of 2024 arising out of SC/ST P.S. Case No. 34 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, SC/ST (POA) Act, Nawada in connection with SC/ST P.S. Case No. 34 of 2023 .

(Prabhat Kumar Singh, J)

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