

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1730 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- JAMALPUR District- Munger

Prashant Kumar @ Chotu Kumar @ Chotu Son of Shankar Tanti Resident of
village - Ramchandrapur, P.S.- Jamalpur, District - Munger.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sarita Devi Wife of Sohendra Paswan Resident of Chhoti Keshopur, P.S.-
Jamalpur, District - Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Suman Kumar Mishra
For the Respondent/s	:	Mr.Usha Kumari 1
For the Informant	:	Mr. Kumar Kamal Nayan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 04-09-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 03.04.2025 passed by the learned Special Judge, SC/ST Act, Munger in connection with Jamalpur P.S. Case No. 11/2025 dated 14.01.2025 registered for the offence/s punishable u/s 126(2), 115(2), 109, 303(2) and 352 of the B.N.S and Sections 3(1)(r)(s) and 3(2) of the SC/ST Act.

3. As per the prosecution case, the appellant called the



son of informant through mobile and on reaching at Faridpur Dakra Naala, the appellant brutally assaulted the son of informant due to which he sustained injury on his head. It has further been alleged that the appellant snatched gold chain and Iphone 15+ mobile of the son of informant and abused him by calling his caste name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. In para. 31 of the case diary, injury report of the victim is mentioned in which injury no. 1 is grievous in nature and all the other injuries are simple in nature caused by hard and blunt substance. The appellant has three criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 06.02.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail by submitting that the specific allegation of assaulting the informant's son is against the appellant.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 03.04.2025 passed by the learned Special Judge, SC/ST Act, Munger in connection with Jamalpur P.S. Case No. 11/2025 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Munger in connection with Jamalpur P.S. Case No. 11/2025, with further condition:-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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