

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2066 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- SC/ST District- Patna

Mithileshwar Prasad Singh S/o Late Lakhandeep Narain Singh R/o vill -
Marchi, P.S. - Bye pass Patna, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Paswan S/o Gauri Shankar Paswan R/o vill - Marcha, P.S. - Bye Pass
Patna, Distt. - patna

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Pramod Kumar Pandey, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-09-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 18.04.2024 passed in a case registered for the offence
punishable under Sections 341, 323, 504, 506, 385 and 34 of the
Indian Penal Code and Section 3(i)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of the appellant has
been rejected.

4. The prosecution case, in brief, is that on 09.03.2024



at about 11 AM, on account of previous land dispute, this appellant, along with other F.I.R. named accused persons, armed with deadly weapons, came at the house of informant and abused him by caste name. It is further alleged that on objection, all the accused persons assaulted informant.

5. 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 the dispute between the parties is predominantly civil in nature which has been given a criminal colour. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. There is no injury report on record to substantiate the allegations levelled in the F.I.R.. 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. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean



antecedents of the appellant, this appeal is allowed and the impugned order dated 18.04.2024 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 1301 of 2024 arising out of SC/ST P.S. Case No. 13 of 2024 is hereby set aside with respect to this appellant only.

8. 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 Court, SC/ST Act, Patna in connection with SC/ST P.S. Case No. 13 of 2024.

(Prabhat Kumar Singh, J)

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