

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2111 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- SC/ST District- Saran

Shubham Kumar @ Anand Vivek Son of Mukund Kumar Resident of Village
- Professor Colony, Ward No.- 10, P.S.- Bhagwan Bazar, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Saheb Ray Resident of Village - Gharni Tola
(Barbakpur), Police Station - Garkha, District - Saran

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sanjeev Kumar, Advocate Mr. Raushan Raj, Advocate Mr. Sitesh Kashyap, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 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 04.04.2024 passed in a case registered for the offence
punishable under Sections 341, 342, 324, 323, 504 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.



4. The prosecution case, in brief, is that this appellant, along with co-accused Dhananjay Kumar, took the informant to an isolated place and forced him to sign on some blank papers and thereafter, abused him by caste name and assaulted him.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, the informant was working as a compounder in the clinic of Dr. Dhananjay Kumar and on account of his incompetency and misbehaviour, Dr. Dhananjay Kumar fired him from the job and being aggrieved with the termination, informant lodged this false and concocted case only with a view to harass and humiliate this appellant and co-accused person. Doctor has opined the injuries sustained by the injured to be simple in nature. 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, nature of injuries sustained by the injured and clean



antecedents of the appellant, this appeal is allowed and the impugned order dated 04.04.2024 passed by the learned Exclusive Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with A.B.P. No. 1060 of 2024 arising out of SC/ST P.S. Case No. 06 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 Judge, SC/ST Act, Saran at Chapra in connection with SC/ST P.S. Case No. 06 of 2024.

(Prabhat Kumar Singh, J)

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