

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No. 2261 of 2024**

Arising Out of PS. Case No.-05 Year-2024 Thana- SC/ST District- Khagaria

Raushan Kumar @ Kirandev Yadav Bachchi Yadav Resident of village  
Nanhaku Mandal Tola PS - Mufassil Khagaria, District Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Prabhakar Kumar Son of Yogendra Paswan Resident of village Nanhaku  
Mandal Tola PS - Mufassil Khagaria, District Khagaria

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ashok Kumar Garg, Adv  
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      20-02-2025      Despite valid service of notice, none appears on  
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the  
State.

3. This criminal appeal has been filed against the  
order dated 03.04.2024 passed by learned Additional Sessions  
Judge, 1<sup>st</sup> cum Special Court, SC/ST, Khagaria in ABP No. 17 of  
2024 in connection with Khagaria (SC/ST) P.S. Case No. 05 of  
2024, instituted under Sections 341, 323, 307, 504, 506/34 of  
the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(v) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, whereby the prayer for anticipatory bail of



appellant has been rejected.

4. Prosecution case, in brief, is that on 16.02.2024 at about 7:00 P.M. the informant was going to take kurkure from shop and when he reached near shop of Prakash Poddar, then he saw that accused persons and 8-10 unknown persons were playing D.J. Upon protest, they assaulted and abused by caste name. It is further alleged that on 18.02.2024, all the accused persons threatened informant and his family members not to take any legal action.

5. Learned counsel for the appellant submits that both parties are co-villagers. As a matter of fact, occurrence took place between the parties for playing DJ. Appellant is innocent and has committed no offence. Allegation of assault and abuse is general and omnibus in nature. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing



bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1<sup>st</sup> cum Special Court, SC/ST, Khagaria in connection with Khagaria (SC/ST) P.S. Case No. 05 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 03.04.2024 is set aside with respect to this appellant only.

**(Prabhat Kumar Singh, J)**

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