

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2265 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SC/ST District- Samastipur

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Amit Kumar @ Munna Son of Kanhaiya Ji Purvey (wrongly typed as Kanhaiyati Purve) Resident of Village- Ambedkar Chowk, Prabhu Thakur, Ward No 8,P.S.- Rosera, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Sarita Kumari Wife of Raj Kumar Paswan Resident of Village - Govindpur, P.S.- Rosera, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhay Shanker Singh, Advocate
For the State	:	Mrs. Usha Kumari 1, Special P.P.
For the Informant	:	None

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-11-2025 Heard learned counsel for the appellant and learned Special P.P., Mrs. Usha Kumar-1 for the State. No one appears on behalf of the informant.

2. This is an appeal under Section 14(A)2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.04.2024, passed by learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with SC/ST P.S. Case No.03 of 2024, registered under Sections 341, 323, 354, 420, 406, 504 and 506 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that there is allegation of abusing the informant by taking caste name by the accused persons including the appellant, but then the allegation is not specific. It is also submitted that the date of occurrence is 02.05.2023 and FIR came to be instituted on 14.01.2024, i.e., after a delay of more than seven months, which casts an aspersion on the case of the prosecution. It is also submitted that even presuming what has been alleged is true without admitting then the offence is not alleged to have been committed in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witness.

4. Learned Special P.P. opposes the appeal.

5. Considering the aforesaid submissions made by learned counsel for the appellant, let appellant, above named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court



where the case is pending in connection with SC/ST P.S. Case No.03 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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