

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2326 of 2024

Arising Out of PS. Case No.-174 Year-2021 Thana- KONCH District- Gaya

Vikash Kumar S/o Shivroop Singh R/o vill - Mudera, P.S. - Konch, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithlesh Chaudhary S/o Munarik Chaudhary R/o vill - Mudera, Bairagi Bigha, P.S - Konch, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 11-11-2025 1. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

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 12.03.2024 in A.B.P. No. 69 of 2024 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Konch P.S. Case No. 174 of 2021 registered under Sections 341, 323, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(v-a) of the SC/ST Act.

3. Learned counsel appearing on behalf of the



appellant submits that from perusal of the office report dated 03.12.2024, it would manifest that registered notice was received by the respondent no. 2 but still for reasons best known, he chooses not to appear and contest the case. It is submitted that the appellant has antecedent of two cases and the informant alleges that he does labour work for Raju Singh. Further, on 07.05.2021 while he was carrying chaff of Raju Singh at 09:00 p.m. and reached near the house of Om Prakash, when Om Prakash tried to strangle him by a towel and assaulted by fist. On alarm, the wife of the informant came when Abhishek and Vikash both sons of Om Prakash came and started abusing by taking caste name. On protest, they assaulted the informant and his wife by lathi on account of which he fell unconscious and when he regained consciousness he got himself treated at PHC. Further, Abhishek took out Rs.1050/- from his pocket and Vikash torn the Saree of his wife.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant at the instance of Raju Singh. It is further submitted that Raju Singh and the appellant are agnates and are having dispute relating to property. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest



that informant alleges that while he was carrying chaff of Raju Singh and reached near the house of Om Prakash, when Om Prakash tried to strangle him with a towel. It is also submitted that no reason/motive is alleged for the occurrence. It is further submitted that entire family members of Om Prakash have been implicated in the instant case with a view to coerce the appellant and his family member into submission. It is next submitted that even presuming what has been alleged is true without admitting then the entire occurrence is alleged to have taken place at the house of Om Prakash and, thus, was not in public view. It is also submitted that the FIR does not even remotely suggest that any independent witness witnessed the occurrence. It is further submitted that informant alleges that on account of assault, he fell unconscious and after regaining consciousness, he came to the PHC for treatment. It is, thus, submitted that had the informant been unconscious on account of assault in that event either his wife or villagers would have taken him to the PHC.

5. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellant, let the 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 the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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