

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2446 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- SC/ST District- Banka

Prabhat Kumar @ Vikki Sharma Son of Lalan Sharma Resident of Village
-Gopalpur, P.S.- Amarpur, District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxmi Devi Wife of Mannu Das Resident of Village - Modinagar, Gopalpur,
P.S.- Amarpur, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Kumar, Advocate Mr. Abhishek Mani, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 04-11-2025 Heard learned counsel for the appellant and learned Spl.
P.P. 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 10.01.2024 in A.B.P. No. 1869 of 2023 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Banka in connection with Banka SC/ST P.S. Case No. 27 of 2023 registered for the offences punishable under Sections 341, 323, 354(B), 504 & 506/34 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 has submitted that this case is based on a complaint and the allegation against this appellant is that he has knocked down the daughter-in-law of the respondent and has torn her blouse. It is further alleged that all the accused persons assaulted and abused with caste name.

4. Learned counsel for the appellant submits that from perusal of the complaint petition it will transpire that the occurrence is of 31.01.2023 whereas the complaint was filed on 08.02.2023 which was registered as an FIR on 18.10.2023. Learned counsel for the appellant has further submitted that an enquiry was held by police and in that enquiry police has reported that there was hot talk between the parties. There was no use of caste name and assault to anybody and the allegations which are levelled against the appellant are baseless. Learned counsel for the appellant has further submitted that according to the complaint the place of occurrence is house of the respondent.

5. Learned Spl. P.P. for the State opposes the appeal and conceded to the arguments of the learned counsel for the appellant and has submitted that this appears to be a case of pity nature.



6. In view of the submissions made by the learned counsel for the appellants, the order dated 10.01.2024 in A.B.P. No. 1869 of 2023 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Banka in connection with Banka SC/ST P.S. Case No. 27 of 2023 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banka SC/ST P.S. Case No. 27 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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