

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2760 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SC/ST District- Madhubani

Amarjeet Kumar Singh @ Amarjeet Kunwar Singh Son of Anjay Kumar
Singh Resident Of Village And P.O. And P.S.- Bheja, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Paswan Son of Sri Luchhan Paswan R/O Bheja, P.S.- Bheja, Dist.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Shivnandan Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 10-04-2025 Heard learned counsel for the appellant, respondent
No. 2 and the State.

2. This criminal appeal has been filed against the order dated 03.05.2024 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Madhubani in ABP No. 775 of 2024 in connection with SC/ST P.S. Case No. 15 of 2024, instituted under Sections 341, 323, 504, 307, 379, 506, 34, 354B of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Prosecution case, in brief, is that on 23.02.2024 at



about 7 PM, while informant was returning to his home, all the F.I.R. named accused persons including this appellant assaulted informant by means of deadly weapons and abused him by caste name.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Both parties are co-villagers and due to petty dispute, an altercation took place in which both sides sustained injury. Case and counter case. F.I.R. has been lodged after inordinate delay of more than seven days which itself raises doubt over veracity of the prosecution case. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellant. Moreover, 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.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent No. 2 vehemently opposed the bail application.

6. 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 Additional Sessions Judge-1st-cum-Special Judge, Madhubani in ABP No. 775 of 2024 in connection with SC/ST P.S. Case No. 15 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 03.05.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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