

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2968 of 2024

Arising Out of PS. Case No.-560 Year-2023 Thana- BIKRAMGANJ District- Rohtas

Danish Parvesh @ Danish Parvej son of Saifula Ansari Resident of Anjavit
Singh College Road , Bikramganj, PS- Bikramganj , Dist-Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Nilesh Kumar son of Late Jagnarayan Prasad Village- Bhokhari, Po- Biso
Dehri,PS- Kargahar , Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajani Kant Singh, Advocate
For the Respondent No.1:		Mr. Binay Krishna, APP
For the Respondent No.2:		Mr. Ramakant Ram Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellant, learned
counsel for respondent No.2 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 against the rejection of prayer for
anticipatory bail vide order dated 24.05.2024 passed by the
learned Additional District and Sessions Judge-17-cum Special Judge,
SC/ST Act, Rohtas at Sasaram in connection with Bikramganj P.S. Case
No. 560 of 2023 registered for the offence/s punishable under
Sections 341, 323, 504, 506, 448, 427, 307, 34 of the I.P.C.,
Section 27 of the Arms Act, 1959 and under Section 3(i)(r)(s) of
the SC/ST (POA) Act.



3. As per the prosecution case, the informant has alleged that all the FIR named accused persons including this appellant, all variously armed, attacked the informant with *lathi*, *danda*, *farsa* etc. causing grievous injuries to the informant and thereafter they fled away.

4. Learned counsel for the appellant submits that the appellant is innocent and no such occurrence as alleged has taken place. It is submitted that the allegations are general and omnibus in nature and no specific attribution of overt act has been levelled against the appellant. It is further submitted that injuries sustained by the injured person were found to be simple in nature and from plain reading of the FIR, it would be evident that there is no allegation with regard to abuse by taking caste name and, therefore, it is has been submitted that no case under the SC/ST Act has been made out against the appellant. It has been lastly submitted that the appellant has clean antecedent. It has been submitted that one of the similarly situated co-accused, namely, Arbind Kumar Patel @ Chhotu has been granted anticipatory bail by a Co-ordiante Bench of this Court vide order dated 10.04.2025 passed in Cr. Appeal (SJ) No. 2812 of 2024.

5. Learned counsel for the respondent no. 2 as well as



learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant and has submitted that the appellant along with others had assaulted the informant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 24.05.2024 passed by the learned Additional District and Sessions Judge-17-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 560 of 2023 is set aside and criminal appeal stands allowed.

7. Considering the aforesaid submission, facts and circumstances of the case, let the appellant above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 Bikramganj P.S. Case No. 560 of 2023 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-



(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(ii) The appellant shall not, in any manner, threaten, contact, or attempt to influence the informant or any witness connected with the case.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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