

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3126 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- MANER District- Patna

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Ajit Kumar @ Munnu, Son of Yugeshwar Rai @ Bhulan Rai, R/o Village-
Gyaspur, P.S.- Maner, Distt.- Patna.

... .. Appellant/s

Versus

- 1. The State of Bihar.
- 2. Baldev Ram, Son of Late Ramkrit Ram, R/o Village- Gyaspur, P.S.- Maner,
Distt.- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajendra Narain, Sr. Adv. Mr. Brajesh Pd. Gupta, Adv.
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For Respondent No. 2	:	Mr. Sunil Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 07-11-2025 Heard the learned counsel for the parties.

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 bail *vide* order dated 10.06.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Maner P.S. Case No. 106 of 2024, dated 15.02.2024, registered for the offences punishable under Sections 341, 323, 379, 504, 506 and 307/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)



Act, 1989.

3. As per the prosecution case, the named accused persons along with four to five unknown persons are alleged to have approached the informant/respondent No. 2 and started abusing him by taking his caste name and thereafter assaulted him by the *butt* of a pistol. It is further alleged that Rs. 1900/- was snatched away from the pocket of the informant/respondent No. 2 and thereafter they all fled away.

4. The learned Senior Counsel appearing on behalf of the appellant has submitted that the appellant has falsely been implicated in this case and no such incident as alleged has occurred. It has been pointed out that the genuineness of the prosecution case becomes doubtful as the informant/respondent No. 2 has admittedly stated that he had gone to the Government Hospital at Maner initially and thereafter, he had been referred to the PMCH, Patna, however, his statement was not recorded at either of the places, which happened to be the Government Hospitals. It has further been submitted that the present FIR was lodged after a delay of six days from the said date of the incident and from mere perusal of the FIR itself, it would be evident that no case under the SC/ST (POA) Act is being made out as admittedly the place is said to be a lonely place on the



way to the field and admittedly there was no body around the said place. Moreover, there is no specific allegation as to what abusive language was used by the appellant against the informant/respondent No. 2. It has further been submitted that the appellant has three criminal cases against his name. However, he is on bail in all the cases.

5. The learned Spl. Public Prosecutor for the State as also the learned counsel for the respondent No. 2 have vehemently opposed the prayer for bail and have stated that the appellant along with others had assaulted the informant/respondent No. 2 and had even abused him by taking his caste name.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned Senior Counsel for the appellant, the impugned order dated 10.06.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Maner P.S. Case No. 106 of 2024, is set aside.

7. Accordingly, the above-named appellant is directed to be released on anticipatory bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on his 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 Maner P.S. Case No. 106 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of the 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 appellant 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. The appeal stands allowed.

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

(Sourendra Pandey, J)

Praveen-II/-

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