

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3060 of 2024

Arising Out of PS. Case No.-226 Year-2024 Thana- SASARAM MUFFSIL District- Rohtas

Lav Kumar Singh @ Lav Kumar S/O Surendra Singh @ Guddu Singh
Resident Of Village-Amara, Police Station- Sasaram Muffasil District Rohtas
At Sasaram Appellant/s

Versus

1. The State of Bihar
2. Om Prakash Chaudhary S/O Late Munni Lal Chaudhary R/O Village- Amara Talab, P.S- Sasaram (M), Dist.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raghunandan Kumar Singh, Advocate Ms. Riya Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Gajendra Kumar Singh, Advocate Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellant, learned counsel for the 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 13.05.2024 passed by the learned Additional District & Sessions Judge-17 cum Special Judge, SC/ST (POA) Act, Rohtas at Sasaram in connection with Sarasarm (M) P.S. Case No. 226 of 2024 registered for the offence/s punishable under Sections 341, 323, 504, 506 and 34 of the I.P.C and under Section 3(i)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the informant has



alleged that the named accused persons, including the appellant, along with four others, came to his place in connection with changing their earbuds. During the course of conversation, an altercation took place, whereupon it is alleged that one of the co-accused, namely, Vivek Kumar Singh, assaulted the informant on his head with an iron rod. It is further alleged that the informant's finger and wrist were also broken in the incident, for which he was treated at Sadar Hospital, Sasaram.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is submitted that there exists a case and counter-case arising out of the same occurrence and that the father of the appellant has lodged Sasaram (M) P.S. Case No. 227 of 2024. It has further been submitted that the allegations against the appellant are general and omnibus in nature and the specific allegation of assault is against the co-accused, Vivek Kumar Singh. It has further been submitted that the parties have amicably settled their dispute, which has been placed on record through a supplementary affidavit and the learned counsel appearing on behalf of respondent no. 2 does not dispute the said fact and admits that a compromise has indeed been effected. Lastly, it has been submitted that the appellant has clean antecedent.



5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant and has submitted that there is allegation of offence to have been committed under the SC/ST (POA) Act.

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 13.05.2024 passed by the learned Additional District & Sessions Judge-17 cum Special Judge, SC/ST (POA) Act, Rohtas at Sasaram in connection with Sarasarm (M) P.S. Case No. 226 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Considering the aforesaid submission and taking into account the fact that the parties have entered into a compromise and there being no specific allegation of offence under the SC/ST (POA) Act, 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 Sarasarm (M) P.S.



Case No. 226 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 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)

aditya/-

U		T	
---	--	---	--

