

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3169 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- BAUGHAT District- Sheikhpura

Dhiraj Kumar Son of Suresh Yadav Resident of Village - Morma, Post Office
- Patner Dihra, Police Station - Amhara, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharwan Ram Son of Kailash Ram Resident of Village - Jitwarpur, Police
Station - Boughat, District - Sheikhpura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Despite valid service of notice upon respondent no.
2, there is none to represent him.

3. 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 24.06.2024 passed by the
learned 1st Additional District and Sessions Judge-cum-Special
Judge, SC/ST Act, Sheikhpura in A.B.P. No. 376 of 2024,
arising out of Boughat Police Station Case No. 09 of 2024
registered for the offences punishable under Sections 447, 341,



323, 325, 307, 279, 506/34 of the IPC and Sections 3(i)(r) (s)/3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. As per the prosecution case, the informant has alleged that he objected to the fast driving of a tractor by Rohit Kumar, a co-accused upon which he called the other persons including the appellant and they all started abusing the informant by taking his caste name and thereafter brutally assaulted the informant with lathi and danda, fracturing his right hand.

5. Learned counsel for the appellant has submitted that the appellant has not committed any offence and he has been falsely implicated as an afterthought. It has further been submitted that even if the allegations levelled in the FIR are taken into account the same are general and omnibus and no case under the SC/ST Act is made out. The appellant has clean antecedent and during the course of investigation the injuries sustained by the informant was found to be simple in nature.

6. Learned Spl. PP has vehemently opposed the prayer for bail and has submitted that there is an allegation upon the appellant to have assaulted the informant along with others and had even abused the informant.



7. In view of the aforesaid facts and circumstances of the case as well as taking into account the submissions advanced by the learned counsel appearing for the appellant the impugned order dated 24.06.2024 is set aside.

8. The appeal is allowed.

9. Considering the facts and circumstances of the case the appellant, above named, be released on anticipatory bail, in the event of his 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) each with two sureties of the like amount to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Sheikhpura in A.B.P. No. 376 of 2024, arising out of Boughat Police Station Case No. 09 of 2024 as laid down under Section 438(2) of the Cr.P.C. 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/respondent no. 2 or



any witness connected with this case.

10. 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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