

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3320 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- SC/ST District- Kishanganj

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Zafar Zamal @ Chunu son of Zafrul @ Zafrul Hasan Resident of Tulsiya,
W.No-5, PS- Dighalbank, Dist- Kishanganj

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Shekha Devi wife of Arun Kumar Mallik Resident of Village- Purana
Market Tulsiya, PS- Dighalbank, Dist- Kishanganj

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-12-2025 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel appearing on behalf of
appellant and Spl. Public Prosecutor.

3. This criminal appeal has been filed against the
order dated 17.05.2024 passed by learned Additional Sessions
Judge-1st-cum-Special Judge SC/ST, Kishanganj in connection
with Kishanganj SC/ST P.S. Case No. 04 of 2024, registered
under Sections 341, 323, 354, 504, 506/34 of the Indian Penal
Code and Section 3(1)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.



4. Prosecution case , in a nutshell, is that this appellant along with other accused persons abused informant by caste name , assaulted her and threatened to set her house on fire .

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence . Specific accusation is against other co-accused persons. Allegation of assault is general and omnibus. Insult caused to the informant was not solely on the basis of caste, as such, no case under SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

6. However, learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail of the appellant.

7. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge - 1st – cum- Special Judge , Kishanganj in connection with



Kishanganj (SC / ST) Police Station Case No. 04 of 2024 .

(Prabhat Kumar Singh, J)

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