

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3523 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- BARHARA KOTHI District- Purnia

Baunu Ram @ Bonu Ram, aged about 64 years, Male, Son of Bhagwat Ram,
R/O Bhangaha Tula, Ward No.4, P.S.- Barahara Kothi, Dist.- Purnea.

... .. Appellant

Versus

1. The State of Bihar
2. Dilkhush Kumar, Male, Son of Lakhan Rishidev, R/O Bhangaha Tula, P.S.-
Barahara Kothi, Dist.- Purnea.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 10-07-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State. Learned Spl. P.P. for the State has submitted that he has already informed the Superintendent of Police, Purnea, about the present case.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act’), against the refusal of prayer of anticipatory bail of the appellant vide order dated 28.06.2024, passed by the learned Special Judge, SC/ST Act, Purnea in A.B.A. No. 64 of 2024, arising out of Barahara P.S. Case No. 179 of 2023 dated 25.04.2023 registered for the offences punishable under



Sections 302, 201 read with Section 34 of the I.P.C. and Section 3(2)(v) of the SC/ST Act.

3. The prosecution case, in brief, is that the grand-father of the informant Sibho Rishideo has been killed by the F.I.R. named accused persons including the appellant and they also abused him by calling caste name.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that the alleged occurrence took place on 23.04.2023 and the F.I.R. has been lodged on 25.04.2023 and delay in lodging the F.I.R., no explanation has been given by the prosecution. There is no specific allegation against the appellant. There is general and omnibus allegation against the appellant. The appellant also belongs to the same caste as that caste of the informant. Hence, no case is made out under SC/ST Act against the appellant and he is a 40% handicapped person from his both legs. It is further submitted that on the alleged date and time of occurrence, the appellant was not present at the place of occurrence rather he was at Punjab for his livelihood but due to dirty politics his name has been dragged in the present case. There is no eye witness to the alleged occurrence.



It is further submitted that the alleged occurrence has taken place for fishing surreptitiously and due to that reason it was the person who have taken the pond have assaulted the deceased and the appellant has no concern with the alleged offence nor he is the owner of the alleged pond. It is further submitted that other co-accused Nitish Kumar has already been granted anticipatory bail by a Bench of this Court in Cr. Appeal (SJ) No. 3747 of 2024 vide order dated 27.03.2025. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 28.06.2024, passed by the learned Special Judge, SC/ST Act, Purnea in A.B.A. No. 64 of 2024, arising out of Barahara P.S. Case No. 179 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest or surrender before the learned court below within a



period of six weeks, from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea in connection with A.B.A. No. 64 of 2024, arising out of Barahara P.S. Case No. 179 of 2023, subject to the conditions as laid down under Section 482(2) of the B.N.S., 2023.

(Chandra Prakash Singh, J)

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