

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3664 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Hari Om Singh @ Satyam Kumar Son of Bharat Singh @ Rajesh Singh
Resident of Village and Police Station - Cheriya Bariyarpur, District -
Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Paswan Son of Kamli Paswan Resident of Ward No.2 Cheriya
Bariyarpur, P.S. - Cheriya Bariyarpur, District - Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar @ S.K., Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-09-2025 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and learned
Spl. Public Prosecutor for the State.

3. Earlier, the appellant's prayer for grant of
anticipatory bail stood 'dismissed as withdrawn' vide order
dated 18.07.2024 passed in Cr. Appeal (SJ) No. 2144 of 2024.

4. The present appeal has been filed for setting aside
the order dated 19.07.2024 passed by learned Exclusive Special
Judge, SC/ST (POA) Act, Begusarai in connection with Cheria
Bariyarpur P.S. Case No. 43 of 2024 for the offences under
Sections 323, 341, 307, 504, 506/34 of the Indian Penal Code



and Sections 3(1)(dha), 3(2)(va) of the SC/ST (POA) Act whereby and whereunder the prayer of the appellant for regular bail has been rejected.

5. As per the prosecution case, on 22.2.24 at about 10 PM, co-accused Banty Singh called the son of the informant in his hotel and when son of the informant reached Vishwakarma Chauk, Cheriya, Bariyarpur, then four persons caught hold of him and took him to hotel of co-accused Banty Singh and all of them allegedly assaulted him. It is alleged that co-accused Banty Singh took the son of the informant to his house and tied him with a pole/*khutta*. It is further alleged that all the F.I.R. named accused persons including this appellant made his video and abused him by caste name and while making video, they forcibly made him drink wine.

6. Learned counsel for the appellant submits that allegation of assault is general and omnibus. There is no specific accusation of overt act against appellant. Doctor has found four injuries out of which three are of simple nature. F.I.R. has been lodged after inordinate delay of four days without any plausible explanation which itself raises doubt over veracity of the prosecution case. It is not the case of informant that alleged incident occurred within public view, as such, no case under



SC/ST Act is made out against appellant. It is further submitted that similarly situated co-accused have already been granted bail by co-ordinate Bench of this Hon’ble Court *vide* order dated 05.08.2025 passed in Cr. Misc. No. 3649 of 2024. Appellant claims clean antecedent. Appellant is in custody since 03.07.2024.

7. Considering the nature of accusation, simple injuries as well as period of custody, this Court sets aside the impugned order and directs the release of above named appellant on bail on furnishing bail-bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 43 of 2024.

(Prabhat Kumar Singh, J)

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