

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3844 of 2024

Arising Out of PS. Case No.-57 Year-2016 Thana- BAHADURPUR District- Patna

Amit Kumar Son of Suresh Sharma R/V-Village- Bhadseri, PS- Kako, Distt
.-Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Paroo Devi Wife of Ramvilash Sahani R/V- Mohalla- Bahadurpur
Jhoparpatti, P.S.- Bahadurpur, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-07-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 31.07.2024 passed in a case registered for the offence
punishable under Sections 147, 148, 149, 151, 323, 307, 353,
436, 109, 114, 120B, 354, 354A, 354B and 34 of the Indian
Penal Code and Section 3(i)(x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for grant of anticipatory bail to the appellant has been
rejected.



4. As per prosecution case, informant, namely Paroo Devi, alleged that on 17.03.2016 at about 9:30 PM, while she and her family members were asleep, some intoxicated boys from Saidpur Hostel misbehaved with female members of her house and neighbour. It is further alleged that upon protest, all the accused persons abused them by caste name, threatened to outrage their modesty and assaulted them with *lathi* and rods due to which they sustained injuries.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. There are general and omnibus allegations and no specific accusation of overt act has been alleged against this appellant. As a matter of fact, appellant has falsely been implicated in this case due to college politics. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. It is further submitted that similarly situated co-accused person, namely Raj Kumar Jha, has already been granted privilege of anticipatory bail by this Hon'ble Court vide order dated 17.05.2024 passed in Cr. Appeal (SJ) No. 757 of 2024. Appellant claims clean



antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, claim based on parity and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 31.07.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with A.B.P. No. 3148 of 2024 arising out of Bahadurpur P.S. Case No. 57 of 2016 is hereby set aside with respect to this appellant only.

8. Accordingly, 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 learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Bahadurpur P.S. Case No. 57 of 2016.

(Prabhat Kumar Singh, J)

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