

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3951 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- PALIGANJ District- Patna

Prabhat Kumar S/O Birendra Sharma Village- Kurkuri, Ps- Paliganj, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhanshu Shekhar Son Of Suresh Paswan R/O Village- Nagar Panchayat, Paliganj, Ps- Paliganj, Dist- Patna. At Present Posted As Amin At Nagar Panchayat, Paliganj (PATNA)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saurav Kumar Suman, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-07-2025 Heard Mr. Saurav Kumar Suman, learned counsel

for the appellant as well as Mrs. Usha Kumari-1, learned Special

Public Prosecutor for the State.

2. Learned counsel for the State has informed this Court that she has informed the Respondent No. 2 about the present case but despite of that no one appears on behalf of Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 04.07.2023 in A.B.P. No. 3498 of 2023 passed by the learned I/C Special Judge, SC/ST, Patna in connection with



Paliganj P.S. Case No. 157 of 2023 registered under Sections 341, 323, 504, 34 of the Indian Penal Code and Sections 3(i) (r) (s) of SC/ST (Prevention of Atrocities) Act.

4. Allegation against the appellant is that he assaulted the informant by means of iron rod due to which he sustained injury and he has abused by saying his caste name.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. There is case and counter case between the parties. From perusal of the F.I.R. it appears that although the appellant is named in the F.I.R. but there is no specific allegation against the appellant that he has abused the informant by saying his caste name and apart from that as per allegation in the F.I.R. the appellant has assaulted to the informant by means of iron rod and the informant has received injury but the injury inflicted upon the informant is simple in nature.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellant.



7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and the fact that the appellant having clean antecedent and injury inflicted upon the informant is simple in nature and the appellant has not abused the informant by his caste name, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned I/C Special Judge, SC/St Act, Patna in connection with Paliganj P.S. Case No. 157 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order dated 04.07.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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