

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3928 of 2024

Arising Out of PS. Case No.-232 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

Kamlesh Singh Kushwaha Son of Kedar Kushwaha R/o village - Medh, P.S.-
Chainpur, District - Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumit Kumar Son of Nandu Ram R/o village - Medh, P.O.- Sirsi, P.S.-
Chainpur, District - Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Tribhuwan Narayan
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellant, learned counsel
for the respondent no. 2 and learned Special Public Prosecutor
for the State.

2. This is an appeal under section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for anticipatory bail vide
order dated 03.08.2024, passed by learned Additional Sessions
Judge 1st Kaimur at Bhabua in connection with Chainpur P.S.
Case No. 232 of 2024, registered under Sections 341, 323, 307,
504, 506/34 of the IPC and Sections 3(1) (r)(s)(w) of SC/ST Act.

3. The case of the prosecution is that on account of a
quarrel taking place between children, the appellant is said to



have gone into the house of the informant and abused by his caste name and also indulged in assault.

4. Learned counsel for the appellant submits that it would be evident from the first information report itself that the matter initiated out of a quarrel between children and there was a case and counter case with regard to the said occurrence. The injuries were suffered on both the sides and the said injuries are said to be simple in nature. It has been submitted that no offence under Section 307 of the IPC would be made out in the facts and circumstances as there was no intention to kill and also since the occurrence has taken place inside the house there is no question of any abuses made in the public view.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail.

6. Considering the specific allegation that the appellant had gone inside the house and hurled abuses, the provisions of SC/ST Act would not be attracted as the same would not be done in public view.

7. Taking into consideration the facts and circumstances and also considering that the matter escalated out of a small dispute between children leading to case and counter case and



also causing simple injuries on both the sides, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st Kaimur at Bhabua in connection with Chainpur P.S. Case No. 232 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and the appeal is allowed.

(Soni Shrivastava, J)

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