

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3959 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- MALI District- Aurangabad

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1. Abhishek Kumar Pandey S/o- Mahendra Pandey Resident of Village- Sori, P.S- Mali, Dist- Aurangabad
 2. Abhi Kumar Singh Son of Pintu Singh @ Pintu Kumar Singh Resident of Village- Sori, P.S- Mali, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Shrawan Ram Son of late Kail Ram Resident of Village- Sori, P.S- Mali, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-09-2025 Leaned counsel for the appellants at the outset seeks permission to withdraw the appeal with respect to the appellant no. 2, namely, Abhi Kumar Singh who was arrested during pendency of the instant appeal.

2. Permission is accorded.

3. Accordingly, the appeal with respect to the appellant no. 2 is dismissed as withdrawn.

4. Heard learned counsel for the appellant no. 1 and learned Special Public Prosecutor for the State.

5. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 30.07.2024 in A.B.P. No. 1594 of 2024 passed by the learned Special Judge SC/ST-cum- 1st Additional District and Sessions Judge, Aurangabad in connection with Mali P.S. Case No. 98 of 2024 registered under Sections 341, 323, 448, 504, 506, 354 and 354(B)/34 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

6. Learned counsel for the appellant no. 1 is a person with clean antecedent. It is further submitted that the case was taken up on 28.10.2024, when no one had appeared on behalf of the respondent no. 2.

7. Today also when the case is taken up no one appears on behalf of the respondent no. 2.

8. Learned counsel for the appellant no. 1 submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that on 23.05.2024, at about 04:30 p.m., while his son was going for tuition when on the way Sanu Kumar started teasing him by saying that his caste people have also started studying. Further, Sanu Kumar, Abhi Kumar Singh and Abhishek Kumar Pandey (appellant no. 1) entered his house and assaulted him and Sanu Kumar Singh pulled *Saree* of



the informant's mother and Abshishek Kumar Pandey (appellant no. 1) scolded him.

9. Learned counsel for the appellant no. 1 submits that appellant no. 1 has been falsely implicated in the instant case by the informant. It is further submitted that the thrust of the allegation is against Sanu Kumar and even presuming what has been alleged against the appellant no. 1 to be true without admitting then the occurrence is said to have taken place inside the house of the informant and thus was not in public view, as such, prima facie, offence under SC/ST Act is not made out. It is next submitted that in the nature of allegation as alleged in the FIR, prima facie, no offence under Section 307 of the Indian Penal is made out.

10. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

11. Considering the submissions made by the learned counsel appearing on behalf of the appellant no. 1, let the appellant no. 1, above named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

12. Accordingly, the impugned order is set aside with respect to the appellant no. 1 and this appeal stands allowed.

(Satyavrat Verma, J)

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