

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4103 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- Akbarpur District- Purnia

=====

Dilkhush Sharma Son of Mantu Sharma Resident of Akbarpur Ward No. 13,
P.S.- Akbarpur, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Paswan Son of Gurudev Paswan Resident of Village- Akbarpur,
Ward No. 13, P.S.- Akbarpur, Distt.- Purnea

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mrs. Usha Kumari I, Spl. P.P.
For the Informant	:	Mr. Dheeraj Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. This appeal has been preferred against the order dated 06.08.2024, passed by the learned Special Judge, S.C./S.T. Act, Purnea, in connection with A.B.P. No. 66 of 2024, C.I.S. No. 66 of 2024, arising out of Akbarpur P.S. Case No. 17 of 2024, registered for the offences under Sections 323, 341, 504, and 506 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the appellant was rejected.

3. As per the prosecution case, the accused persons



assaulted and abused the informant and his family members by taking their caste name over the issue of the informant's *bhagni's* love marriage with the appellant.

4. Learned counsel for the appellant submits that due to an earlier dispute, a false case has been instituted against the accused persons, including the appellant. It is further submitted that the alleged injuries are simple in nature. It is also contended that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant; hence, the application for anticipatory bail is maintainable.

5. Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail.

6. From the reading of the F.I.R., it appears that the prosecution under the S.C./S.T. Act is mala fide. So far as the allegation of assault is concerned, the same appears to be simple in nature and it does not appear that the alleged occurrence was committed against the informant on the ground of his belonging to the S.C./S.T. community.

7.. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 06.08.2024, passed by the learned Special Judge, S.C./S.T. Act, Purnea, in connection with A.B.P.



No. 66 of 2024, C.I.S. No. 66 of 2024, arising out of Akbarpur P.S. Case No. 17 of 2024, is hereby set aside.

8. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on 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 Special Judge, S.C./S.T. Act, Purnea / concerned court below, in connection with A.B.P. No. 66 of 2024, C.I.S. No. 66 of 2024, arising out of Akbarpur P.S. Case No. 17 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

Neha/-

U		T	
---	--	---	--

