

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4500 of 2023**

Arising Out of PS. Case No.-46 Year-2022 Thana- SC/ST District- Samastipur

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DEEPAK KUMAR SON OF DINESH RAY VILLAGE BISHANPUR, PS-
BACHWARA, DIST- BEGUSARAI

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. MINTUS RAM SON OF MAKSUDAN RAM VILLAGE-SIMRI, PS-
VIDYAPATINAGAR, DIST- SAMASTIPUR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mahendra Pratap, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 04-04-2025 Heard learned counsel for the appellant, the learned
special public prosecutor for the State . Despite filing
vakalatnama , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order
dated 08.08.2023 , passed in a case registered for the offence
punishable under sections 341, 323, 504/34 of the Indian Penal
Code and sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989,
whereby the prayer for anticipatory bail of the appellant has



been rejected.

3 . As per the prosecution case, when the informant went to attend class, this appellant and other accused persons assaulted him with bamboo and iron rod on the head.

4. Learned counsel appearing for the appellant submits that appellant and the informant are batchmate and due to petty dispute , scuffle took place in which nobody sustained injury but taking advantage of the situation, this false case has been lodged. Specific accusation is against co-accused Vishal Yadav who has already been granted bail by this Hon'ble Court vide order dated 10.05.2024 in Cr. APP (S J) 292 of 2023 . Insult caused to the informant is not based on the caste , as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned special Public Prosecutor for the state opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. 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 the Special
Judge , SC/ST (POA) Ac t, Samastipur in SC/ST Police Station
Case No. 46 of 2022 .

(Prabhat Kumar Singh, J)

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