

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4358 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- PANAPUR District- Saran

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Rahul Kumar @ Rohit Kumar S/o- Nawlesh Ray Village- Satjora Ps- Panapur
Dist- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Amit Kumar Ram son of Late Sheojee Ram Village- Pakari Narottam Ps-
Panapur Dist- Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nawal Kishore Singh
For the Respondent/s : Mrs. Usha Kumari 1

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 07-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. However, on repeated
calls, no one appears on behalf of the respondent no. 2, although
the Vakalatnama is on record.

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 bail vide order dated
20.08.2024, passed by learned Exclusive Special Judge SC/ST
Saran at Chapra in connection with Panapur P.S. Case No. 38 of
2024, registered under Sections 341, 323, 324, 379, 504, 506/34
of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

3. The case of the prosecution is that the accused



persons including the present appellant indulged in assaulting the informant and also hurled caste based abuse.

4. Learned counsel for the appellant, at the outset, submits that he has been falsely implicated in the present occurrence and while Section 379 of the IPC has been added ornamentally, the provisions of SC/ST Act would also not apply as the occurrence is not said to have taken place in public view. Further, the parties have compromised their case and the compromise petition has been brought on record by way of Annexure-2 to the memo of appeal. The FIR itself indicates that there is no reason or motive for the present occurrence.

5. It appears that the provisions of SC/ST Act would prima facie not get attracted as there is no mention of the occurrence having been seen by other persons and thus the element of public view is missing.

6. However, learned Spl. PP for the State opposes the prayer for anticipatory bail.

7. Taking into consideration the facts and circumstances and also considering that no one has been injured in the incident and further that a compromise has been effected between the parties, let the above named appellant, who is a young boy of 23 years of age having no criminal



antecedent, 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 Exclusive Special Judge SC/ST Saran at Chapra in connection with Panapur P.S. Case No. 38 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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