

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4462 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- TARAPUR District- Munger

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1. Amar Kumar @ Amar Kumar Singh Son of Narayan Singh R/O Vill.- Teghara, P.S.- Tarapur, Dist.- Munger.
 2. Deepak Kumar @ Deepak Kumar Singh Son of Narayan Singh R/O Vill.- Teghara, P.S.- Tarapur, Dist.- Munger.
 3. Suryadeo Singh @ Suryadev Singh @ Suryadev Kumar Son of Mritunjay Singh @ Mritunjay Kumar Singh R/O Vill.- Teghara, P.S.- Tarapur, Dist.- Munger.
 4. Shubham Kumar Son of Sanjay Singh R/O Vill.- Teghara, P.S.- Tarapur, Dist.- Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Santosh Kumar Paswan Son of Sanjay Paswan R/O Vill.- Teghara, P.S.- Tarapur, Dist.- Munger.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants and learned
Spl.PP for the State.

2. None appears on behalf of respondent no.2. It is informed by the learned Spl.PP that the informant has been informed about the present case and in his absence she is pleading on behalf of the informant.

3. This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the



SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 20.08.2024 passed by learned Special Judge (SC/ST)-cum-Additional District and Sessions Judge-I, Munger in connection with A.B.A. No.824 of 2024 (arising out of Tarapur P.S. Case No. 68 of 2024) registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.

4. The case of the prosecution is that while the informant was going to the house of his employer Om Prakash Singh on tractor, he was intercepted by the appellants on way and a dispute took place upon blowing of horn, whereafter the appellants abused him by caste name and also assaulted him.

5. Learned counsel appearing for the appellants submits at the outset that the allegations levelled against the appellants are basically a consequence of the case filed by the appellant no.1, Amar Kumar, against Om Prakash Singh and his associates and it is the said Om Prakash Singh, who has instigated his driver, who is the present informant, to lodge a case against the present appellants. It would be evident from the first information report that there is no specific reason for the occurrence and a very petty allegation has been levelled that the appellant had objected to the fact that the informant was



blowing horn. It has further been submitted that the injury report which is annexure-3 would show that the informant had suffered simple injuries in the nature of body pain caused by hard object. It has further been submitted that barring the provisions of SC/ST Act all other sections areailable in nature and the provisions of SC/ST Act has been super imposed to make the case serious in nature.

6. Learned Spl. PP for the State opposes prayer for anticipatory bail.

7. In the background of the allegations made in the first information report of intercepting the tractor being driven by the informant with the allegations of abuse and assault on a petty issue, does not seem to have taken place in public view and further appear to be motivated. Thus, *prima facie*, no offence under SC/ST Act seems to be made out.

8. Taking into consideration the facts and circumstances and also considering that there is case and counter case and the injury suffered by the informant is simple in nature and the occurrence has taken place on a very petty dispute, let the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST)-cum-Additional District and Sessions Judge-I, Munger in connection with A.B.A. No.824 of 2024 (arising out of Tarapur P.S. Case No. 68 of 2024), subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Soni Shrivastava, J)

anand/-

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