

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4468 of 2023

Arising Out of PS. Case No.-261 Year-2023 Thana- BARBIGHA District- Sheikhpura

SHIV KANT KUMAR S/O GOPAL RAM R/O VILLAGE- VIRPUR, P.S-
BARBIGHA, DISTT.- SHEIKHPURA.

... .. Appellant/s

Versus

1. The State of Bihar
2. MAMTA DEVI W/O SANTUR RAVIDAS R/O VILLAGE- KESHLI
CHAK, P.S- BARBIGHA, DISTT.- SHEIKHPURA.

... .. Respondent/s

Appearance :

For the Appellant	:	Dr. Anjani Pd. Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-07-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 29.08.2023 passed in a case registered for the offence
punishable under Sections 279, 337, 147, 149, 341, 323, 427
and 504 of the Indian Penal Code and Sections 3(i)(r)(s) and
3(2)(va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.

4. As per prosecution case, informant, namely Manta



Devi, alleged that on 25.06.2023, while she was standing with her daughter, in the meantime, this appellant dashed her daughter with his motorcycle as a result of which she sustained injuries and upon protest, all the accused persons named in the F.I.R., including this appellant, abused her by caste name and assaulted her with *lathi* and pistol.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, the appellant was crossing the road on his motorcycle and on the way, daughter of informant had slipped down by her own due to which she sustained injuries and thereafter, it was informant and her family members who abused this appellant and his family members. Injuries sustained by the injured are simple in nature. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and nature of



injuries sustained by the injured, this appeal is allowed and the impugned order dated 29.08.2023 passed by the learned Additional District and Sessions Judge-I, Sheikhpura in connection with A.B.P. No. 701 of 2023 arising out of Barbigha P.S. Case No. 261 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, 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 learned 1st Additional District and Sessions Judge, Sheikhpura in connection with Barbigha P.S. Case No. 261 of 2023.

(Prabhat Kumar Singh, J)

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