

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4597 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SC/ST District- Supaul

Rajeev Kumar Singh @ Rajiv Singh Son of Rameshwar Singh Resident of
village - Narayanpur, Police Station - Bhaptiyahi, Dist- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Ram son of Bindeshwar Ram Resident of village - Narayanpur,
Ward no. 13, Police Station - Bhaptiyahi, Dist- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP
For the Respondent no.3 : Mr. Mahtab Ali, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State and learned counsel for the

respondent no.2.

2. 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
27.08.2023 passed by learned Additional Sessions Judge-I, Supaul
in connection with Supaul SC/ST P.S. Case No. 09 of 2024
registered under Sections 341, 323, 324, 504 of the Indian Penal
Code and Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

3. The case of the prosecution is that the appellant along
with his brother and two other unknown persons surrounded the
informant and while the appellant made the informant forcibly
drink poison, the other co-accused, Rakesh Singh hurled caste



based abuses and the unknown persons also indulged in assault.

4. Learned counsel appearing for the appellant at the outset submits that the first information report contains concocted facts as the same has been lodged after one and a half month of the alleged occurrence which indicates that the same has been lodged after due thought and deliberations. It has further been argued that so far as the allegation of hurling caste based abuses is concerned, the same has not been attributed against the present appellant and thus provisions of the SC/ST Act would not be made applicable against him. Further, injury report has also been annexed as Annexure-2 which indicates that there is simple injury caused by hard and blunt object as against the allegation made in the first information report of serious assault.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail on the ground of the allegations made in the first information report as also pointing out the antecedents of the appellants and in response it has been submitted by learned counsel for the appellant that the appellant has been either acquitted in some cases or on bail in some cases.

6. In view of the specific averment in the first information report that the caste based abuse has been specifically attributed to co-accused Rakesh Singh and not to this appellant,



prima facie, provisions of the SC/ST Act would not be applicable on the appellant.

7. Taking into consideration the facts and circumstances and considering that there is huge and inordinate delay of about one and a half month in lodging of the first information report for which no explanation has been tendered coupled with the fact that there is no caste based abusing allegations on the appellant and also the injuries being simple in nature, let the above named appellants, 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 learned Additional Sessions Judge-I, Supaul in connection with Supaul SC/ST P.S. Case No. 09 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 this appeal is allowed.

(Soni Shrivastava, J)

anand/-

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