

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4669 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- TARAIIYA District- Saran

Nilesh Kumar S/o Bhuneshwar Singh R/o Village- Taraiya, P.O.- Taraiya,
P.S.- Taraiya, District- Saran at Chapra- 841424

... .. Appellant/s

Versus

1. The State of Bihar
2. Bipin Kumar S/o Vinod Manjhi R/o Village- Taraiya, P.O.- Taraiya, P.S.-
Taraiya, District- Saran at Chapra- 841424

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jeetendra Narayan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.P. No. 2	:	Mr. Shashank Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-03-2025 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 22.08.2024 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Saran at Chapra in ABP No. 2919 of 2024 in connection with Taraiya P.S. Case No. 310 of 2024, instituted under Sections 126(2), 115, 118(1), 117, 109, 303(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Prosecution case, in brief, is that on 23.07.2024 at about 6 PM, all the F.I.R. named accused persons including this



appellant and some unknown persons, armed with iron rod, wicket, hockey stick, abused informant by caste name and assaulted him due to which informant sustained grievous injury.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Allegation of assault and abuse by caste name is general and omnibus. As per F.I.R., nine named and some unknown persons assaulted informant but as per injury report informant sustained only three injuries that itself falsifies the entire prosecution case. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent No. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (PoA) Act, Saran at Chapra in connection with Taraiya P.S. Case No. 310 of 2024.



7. Accordingly, this criminal appeal is allowed and impugned order dated 22.08.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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