

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4732 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- BAKHTIYARPUR District- Patna

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Kaushal Kumar Son of Ramesh Singh Resident of Village - Khaainch, P.S. -
Bakhtiyarpur, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakshman Paswan @ Pukiya Son of Late Dwarika Paswan Resident of
Village - Sangat Par, Ward No. 5, P.S. - Bakhtiyarpur, District - Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rishi Sinha, Adv.
For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 616-09-2025
1. Heard learned counsel for the appellant and
learned Spl. P.P. for the State, Mr. Binay Krishna.

2. The learned counsel appearing on behalf of the
appellant submits that from perusal of the office report, it would
manifest that respondent no. 2 is presently lodged in Nawada
jail and thus ordinary notice was returned and as far as
registered notice is concerned with respect to the same, it is
recorded that the informant refused to accept the same.



3. In view of the noting made by the office, the notice is deemed to be validly served.

4. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 27.03.2024 in A.B.P. No. 618 of 2024 passed by the learned Exclusive Special Court S.C./S.T. (POA) Act, Patna in connection with Bakhtiyarpur P.S. Case No. 137 of 2023 registered for the offences punishable under Sections 341, 323, 379, 504, 506, 307 and 34 of the Indian Penal Code as well as Sections 3(1) (r) (s) and 3(2) (va) of the SC/ST Act.

5. Learned counsel for the appellant submits that appellant is person with clean antecedent and the informant alleges that on 02.04.2023 at 02:00 PM while he was at his house and his brother's daughter was playing in front of the house when four named accused persons along with 8-10 unknown came at his door and started abusing the informant's mother and sister with caste name and when informant protested, the accused persons dashed him on the ground and assaulted him by *lathi*, *danda* and iron rod, further Avinash snatched Rs. 2,000/- from his pocket.



6. Learned counsel for the appellant submits that appellant is not named in the FIR. It is further submitted that informant specifically names the accused persons, but did not name the appellant when appellant is a resident of the same village and is his neighbour. It is further submitted that name of the appellant transpired from the CCTV footage, but then since he is residing in the same locality, hence when a ruckus was created he also came at the place of occurrence and came to be implicated. It is next submitted that had the appellant participated in the occurrence, in that event the informant would have named him, as appellant was known to the informant.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

8. In view of the submissions made by the learned counsel for the appellant, the order dated 27.03.2024 in A.B.P. No. 618 of 2024 passed by the learned Exclusive Special Court S.C./S.T. (POA) Act, Patna in connection with Bakhtiyarpur P.S. Case No. 137 of 2023, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bakhtiyarpur P.S. Case No. 137 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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