

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4809 of 2024

Arising Out of PS. Case No.-123 Year-2022 Thana- KORANSARAI District- Buxar

Sunil Kumar Singh @ Chhotak Singh son of Banshidhar Singh Resident of village- Kopwan, P.S.- Koran Sarai, District- Buxar

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Mithilesh Paswan @ Mithilesh Kumar Ram Son of Bhola Paswan Resident of village- Kopwan, P.S.- Koran Sarai, District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shubham Sourav, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-11-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 26.09.2024 passed in a case registered for the offence punishable under sections 147, 148 , 149, 341 , 323 , 307, 354, 427, 379, 504 and 506 of the I.P.C, and Section 3 (1) (r) (s) (wi) and 3 (2) (v-a) of S.C/S.T. Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely, Mithilesh Kumar Ram alleged that on 15.10.2022 at about 05:00



PM, while he was returning to his home , all the F.I.R. named accused persons including this appellant armed with lathi, stick and country made pistol started abusing him by his caste name and assaulted him causing fatal injuries over his head and also looted articles worth Rs. 1 lack from the shop .

4. It is submitted on behalf of appellant that allegation is general and omnibus against this appellant. No specific overt act is alleged against him. From bare perusal of F.I.R. it is apparent that the entire incident occurred inside the house of informant which is not within the public view and as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Additional Sessions Judge SC / ST (POA) Act Buxar in connection with Koran Sarai



Police Station Case No. 123 of 2022 .

(Prabhat Kumar Singh, J)

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