

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4911 of 2024

Arising Out of PS. Case No.-51 Year-2013 Thana- SC/ST District- Saran

Rajkumar Singh Son of Late Ram Nath Singh R/o Village- Faridpura, Police Station- Taraiya District -Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxman Ram Son of Sitarai Ram R/o Village- Faridpura, Police Station- Taraiya District -Saran

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ashad , 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 31-07-2025 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 17.01.2023 passed in a case registered for the offence punishable under Sections 341, 323 and 504 of the Indian Penal Code and Section 3(i)(x) 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 Laxman Ram, alleged that on 12.08.2013 at about 8 AM, this



appellant riding on a motorcycle hit the leg of informant which led to *maar-peet* in which it is alleged that this appellant abused informant by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. The present F.I.R. has been lodged after inordinate delay of 25 days and there is no plausible explanation for the same which itself makes the prosecution case doubtful. As a matter of fact, both parties are co-villagers and due to petty dispute a quarrel took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. It is further submitted that during pendency of this case, due to intervention of well wishers of both sides, the dispute between the parties has already been compromised and a joint compromise petition duly signed by both the parties has also been filed. 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. Appellant claims clean antecedents.

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 clean antecedents of the appellant, this appeal is allowed and the impugned order dated 17.01.2023 passed by the learned Additional Sessions Judge 3rd, Saran in connection with A.B.P. No. 3668 of 2022 arising out of Saran SC/ST P.S. Case No. 51 of 2013 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 Additional Sessions Judge 3rd, Saran in connection with Saran SC/ST P.S. Case No. 51 of 2013.

(Prabhat Kumar Singh, J)

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