

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5099 of 2023

Arising Out of PS. Case No.-481 Year-2023 Thana- BELAGANJ District- Gaya

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Kunal Kishor @ Kunal Kishore Singh S/O Yogendra Singh R/O Village- Ore,
P.S- Belaganj, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Chaudhary S/O Chandradeo Chaudhary R/O Village- Ore, P.S-
Belaganj, Distt.- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr.Shivendra Prasad
For the State	:	Ms.Usha Kumari 1
For Respondent-2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-02-2025 Heard learned counsel for the appellant and learned

Special P.P. for of the State. Despite filing *Vakalatnama*, nobody

appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated

22.09.2023 passed by learned Exclusive Special Judge, SC/ST

Act, Gaya in a case registered under Sections 341, 323, 504/34

of the Indian Penal Code and Section 3(2)(va) of the SC/ST Act,

whereby the prayer for anticipatory bail of appellant has been

rejected.

3. As per prosecution case, while the informant was at

his house, this appellant alongwith 5-10 other persons came

there and started assaulting him and when wife of informant

came to rescue, she was also assaulted and disrobed by accused



persons. The accused persons also abused them by taking caste name.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in this case. Informant and appellant are co-villagers and there was dispute between them with regard to execution of work under “Nal Jal Yojana”. Informant is the petty contractor of the executing agent of the scheme namely Mahesh Prasad Yadav, who is Panchayat Secretary, and since the work was being done on Pokhar Land, which was being objected by appellant and other villagers, this false and concocted case has been lodged against appellant. Allegation of assault is general and omnibus and there is no specific allegation of overt act against this appellant. There is no injury report on record. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 22.09.2023 is, hereby, set aside and this criminal appeal is allowed.



7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released 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 Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 481 of 2023.

(Prabhat Kumar Singh, J)

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