

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5341 of 2023

Arising Out of PS. Case No.-240 Year-2021 Thana- FATEHPUR District- Gaya

Pritam Singh @ Pritam Kumar Son Of Late Uma Singh Resident Of Village -
Powa, P.S. - Fatehpur, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Paswan Lalan Paswan R/V- Powa, P.S.- Fatehpur, Dist-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar No. 1, Advocate Mr. Sonam Kumari, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 28-08-2025 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 08.05.2023 passed by learned Exclusive Special
Judge (SC & ST), Gaya in ABP No. 122 of 2023 in connection
with Fatehpur P.S. Case No. 240 of 2021, instituted under
Sections 341, 323, 324, 379, 504, 506/34 of the Indian Penal
Code 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.

4. The prosecution case, in brief, is that on



18.07.2021 at about 8:30 PM, all the F.I.R. named accused persons, including this appellant, assaulted informant by means of *lathi*, belt and bricks, as a result of which he received injuries on head. It is further alleged that they also abused him by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that F.I.R. has been lodged after delay of 6 days and there is no explanation for the same, which itself casts doubt over the veracity of the prosecution case. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellant. It is further submitted that it is not the case of the prosecution that any member of the public was present at the place of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. 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), Gaya in ABP No. 122 of 2023 in connection with Fatehpur P.S. Case No. 240 of 2021.

8. Accordingly, this criminal appeal is allowed and impugned order dated 08.05.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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