

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5395 of 2024

Arising Out of PS. Case No.-511 Year-2024 Thana- CIVIL LINE District- Gaya

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1. Pankaj Kumar Son of Anuj Singh Resident of Village - Shahwajpur, P.S. - Khizersarai, District - Gaya
 2. Rahul Kumar S/o Sudhanshu Sharma R/o vill - Bhor, P.s.- Tekari, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dura Dutt Kumar Son of Ram Chandar Ram Resident of Village - Mataya, P.O. - Bhor, P.S. - PAnchanpur, District - Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Ms. Muskan Singh, Advocate
For the State	:	N o n e
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-07-2025 Heard learned counsel appearing for the appellants.

2. Despite filing *Vakalatnama*, no one appears on behalf of the informant/Respondent No. 2. Learned Special Public Prosecutor appearing on behalf of the State is also not present.

3. This appeal has been filed for setting aside order dated 14.11.2024 passed in a case registered for the offence punishable under Sections 115(2), 117(2), 126(2), 190, 191(2), 303(2), 351(2), 351(3) and 352 of the B.N.S. and Sections 3(i)(r) and 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of these appellants has been rejected.

4. The prosecution case, in brief, is that on 24.09.2024 at around 11 AM, informant went to PACS Office to add his name. It is alleged that while leaving the office at around 4 PM, all the F.I.R. named accused persons, including these appellants, assaulted him and abused by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assaulting informant by means of butt of pistol is against co-accused Brishketu Kumar. Doctor has found only one injury which is on both sides of nostril of informant. Rest of the allegations are ornamental in order to make the case grieve. 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 these appellants.

6. Considering the facts and circumstances of the case and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 14.11.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection



with A.B.P. No. 347 of 2024 arising out of Civil Lines P.S. Case No. 511 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Civil Lines P.S. Case No. 511 of 2024.

(Prabhat Kumar Singh, J)

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