

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5583 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- SC/ST District- Patna

=====

ABHISHEK SHANKAR SON OF VIJAY SHANKAR R/O VILLAGE-
RAMPUR TOLA, P.S.-BARH, DIST.- PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAJESH KUMAR SON OF LATE DHARMAPAL PASWAN R/O HOUSE
NO. D-01, POLICE COLONY, ANISABAD, P.S.- SACHIVALAYA, DIST.-
PATNA

... .. Respondent/s

=====

Appearance :

For the Appellant	:	Mr. Parth Gaurav, Advocate Mr. Manogya Singh, Advocate Mr. G.R. Shahi, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Hansraj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 10-07-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant.

2. This appeal has been filed for setting aside order dated 22.09.2023 passed in a case registered for the offence punishable under Sections 341, 323, 447, 448, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, it is alleged that this



appellant assaulted informant and abused him by caste slurs.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, both parties are co-villagers and due to petty dispute, this false and concocted case has been lodged. All sections are bailable in nature except Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act which are not applicable as 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.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. 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 22.09.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with



A.B.P. No. 8969 of 2023 arising out of SC/ST P.S. Case No. 32 of 2022 is hereby set aside with respect to this appellant only.

7. 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 Special Judge, SC/ST, Patna in connection with SC/ST P.S. Case No. 32 of 2022.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

