

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5704 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- EKCHARI District- Bhagalpur

Rahul Kumar Yadav @ Rahul Kumar S/O Umesh Yadav Resident of Village-
Badi Mohanpur PS- Ekchari District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitish Kumar S/O Baheru Rajak Resident of Village- Badi Mohanpur PS-
Ekchari District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar No.6, Advocate.
For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-11-2025 1. Heard learned counsel for the appellant and the

learned APP Mr. Chandra Bhushan Prasad. No one appears on

behalf of the O.P. No.2.

2. This is an appeal under Section 14-A(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST

Act”) against the refusal of prayer for anticipatory bail vide

order dated 28.11.2024 in A.B.P. No. 2686/2024 passed by the

learned Additional Sessions Judge-III-cum-Special Judge,

SC/ST Act, Bhagalpur in connection with Ekchari P.S. Case

No.26/2024, registered under Sections 341, 323, 308, 504, 506,

379 and 34 of the Indian Penal Code as well as Sections 3(1)(r)



(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that on 03.06.2024 at 10.30 P.M., the Barat of his villager namely Chakradhar Mandal arrived and on DJ music the accused persons including the appellant were dancing and the informant was standing at the place of occurrence, when Chandan pushed him and when he objected, Chandan assaulted him with fighter causing injury on head, thereafter Mithu and Umesh also assaulted by danda on his back and Rahul assaulted by fist and after committing the occurrence the accused fled.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the date of occurrence is 03.06.2024 and the FIR has been instituted on 07.06.2024 i.e. after a delay of four days without any plausible explanation. It is also submitted that allegation against this appellant is of assaulting the informant by fist. It is further submitted that the FIR does not even remotely suggest that the appellant abused him by taking caste name. It is further submitted that appellant abused the informant though allegation



of abusing the informant subsequently is against Umesh Mandal.

5. Learned APP Mr. Chandra Bhushan Prasad opposes the prayer for anticipatory bail of the appellant.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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