

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5707 of 2024

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

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1. Umesh Yadav S/O Naresh Yadav Resident of Village- Mohanpur Khawaspur, PS- Ekchari, District- Bhagalpur
 2. Mithilesh Kumar @ Mithu Kumar @ Mithlesh Mandal S/O Dinesh Mandal Resident of Village- Mohanpur Khawaspur, 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. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-11-2025 1. Heard learned counsel for the appellants and the learned APP Mr. Rabindra Kumar. 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 04.10.2024 in A.B.P. No. 2095/2024 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 appellants after some arguments seeks permission to withdraw the appeal with respect to appellant no.1, namely, Umesh Yadav.

4. Permission is accorded.

5. It is next submitted that the appellant no.2 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.

6. 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 the same does not even remotely suggest that the appellant knowing that informant belongs to SC category committing the



occurrence. It is further submitted that appellant is not alleged to have abused the informant though allegation of abusing the informant is against Umesh but then he abused on the following day of the occurrence.

7. Learned APP opposes the prayer for anticipatory bail of the appellant.

8. 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.

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

(Satyavrat Verma, J)

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