

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1236 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- KHUSRUPUR District- Patna

Dharam Raj Kumar S/o Late Ram Janam Gop Resident Of Backatpur Police
station Khusrupur District patna

... .. Appellant

Versus

1. The State of Bihar
2. Shivam Kumar S/o Nageshwar Paswan R/o Backtpur, Devi Asthan, P.S. -
Khushroopur, Distt. - Patna

... .. Respondent

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 29-06-2026

Re: I.A. No. 01 of 2026

2. In view of statement as made on affidavit *qua* jointness
of respondent no. 2, notice as issued by this Court deemed to be
validly served upon respondent no. 2.

3. Accordingly, I.A. No. 01 of 2026 stands allowed and
disposed off.

Re: Cr. Appeal (SJ) No. 1236 of 2024

4. The present appeal is well within limitation as
prescribed under section 14A(3) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. Heard learned counsel appearing on behalf of the
appellant and learned Spl. PP appearing for the State.

6. The appellant has preferred the present appeal under



Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act”) against the refusal of prayer for anticipatory bail vide order dated 25.11.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Khusrupur P.S. Case No. 317 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and section 3(1)(r)(s) of SC/ST (POA) Act.

7. As per FIR, appellant abused the informant/O.P. No. 2 in his caste name and also alongwith 25 named co-accused persons alleged to assault him.

8. It is submitted by learned counsel appearing on behalf of the appellant that allegation qua physical assault is available against 25 named co-accused persons, which is appearing very much general and omnibus in nature and due to neighbourhood dispute and differences, the appellant was implicated with the present crime in question without having any cogent material.

9. It is submitted that the alleged abuse in caste name *prima facie* not appears in public view. In support of his submission, learned counsel relied upon the legal report of Hon’ble Supreme Court as available through **Hitesh Verma Vs. State of Uttarakhand and Anr.** reported in (2020) 10 SCC



710.

10. It is further submitted that similarly situated co-accused persons have been granted bail by learned trial court itself. Appellant claimed clean antecedent.

11. Learned Spl.P.P. for the State, while opposing the prayer of anticipatory bail of the appellant, could not disputed the aforesaid factual submission.

12. None appeared on behalf of the informant/O.P. No.2 despite service of notice.

13. In view of aforesaid factual submission and by taking note of the fact as allegation *qua* physical assault is appearing very much general and omnibus against the appellant, where abusing by caste name as per FIR is also not available *qua* appellant, accordingly, above-named appellant, who is a man of clean antecedent, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna/concerned court in connection with Khusrupur P.S. Case No. 317 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya



Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

14. Accordingly, impugned order dated 25.11.2023 as passed through A.B.P. No. 8590 of 2023 arising out of Khusrupur P.S. Case No. 317 of 2023 is hereby set-aside.

15. Hence, this appeal stands allowed.

(Chandra Shekhar Jha, J)

Rajeev/-

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