

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2742 of 2023**

Arising Out of PS. Case No.-502 Year-2022 Thana- ARWAL District-
Jehanabad

=====

SUDHIR KUMAR @ SUDHIR KR. YADAV SON OF JAI SINGH YADAV @ JAI
SINGH R/O Village- Bandeli Bigha, PS. and Dist.Arwal

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SANTOSH KR. S/O SRI SURESH PASWAN R/O Village- Bandeli, Bigha, PS.
and Dist. Arwal

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Asha Kumari, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 04-02-2026 Heard learned counsel for the appellant and

learned Special Public Prosecutor appearing for the State.

2. Though notices were issued to respondent
No.2 vide order dated 25.08.2023, but there is no
representation on behalf of respondent No.2.

3. This appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order
dated 11.05.2023 passed by learned Additional District
Judge-I -cum- Special Judge, SC/ST, Jehanabad in A.B.P. No.
636 of 2023 in connection with Arwal P.S. Case No. 502 of



2022 registered under Sections 379, 511, 323 and 504 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(Va) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

4. As per the prosecution case, the informant has alleged that on 19.10.2022 at 12:40 A.M. upon some sound, he opened the door and saw that his neighbour, Sudhir Kumar Yadav entered in his house with intention to commit theft. Upon alarm being raised by him, he started abusing the informant with his caste name and fled away with the help of staircase and his mobile was dropped while he was fleeing. It is further alleged that the appellant used to abuse the informant with his caste name on several occasions.

5. Learned counsel appearing for the appellant submits that no offence under Section 379 read with Section 511 of the I.P.C. is made out against the appellant. He further submits that as far as allegation of abuse is concerned, it has not been stated with the caste name of the informant at the particular point of time. He further submits that the mobile recovered from the place of occurrence does not belong to the appellant. He also submits that the appellant is a man of



clean antecedent and has not committed offence as alleged in the F.I.R. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act is made out against the appellant.

6. Learned Special Public Prosecutor vehemently opposed the prayer for grant of anticipatory bail of the appellant and submitted that it has categorically alleged in the F.I.R. that the appellant used to abuse the appellant by his caste name on several occasions.

7. Considering the entire facts and circumstances of the case and also the fact that the appellant has not abused the informant in a public view and he bears clean antecedent, let the above named appellant in the event of his arrest/surrender within a period of six weeks be released 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 the learned A.D.J._I -cum- Special Judge, SC/ST, Jehanabad in connection with Arwal P.S. Case No. 502 of 2022 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

8. Accordingly, this appeal is allowed and the impugned order dated 11.05.2023 rejecting the prayer for



grant of anticipatory bail to the appellant is, hereby, set
aside.

(Praveen Kumar, J)

brajesh/-

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

