

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3598 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- SC/ST District- Munger

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Bibhash Kumar @ Bibhash Yadav S/O Bhuneshwar Prasad Yadav R/O
Village- Bari Majhgain, P.S- Gangta, Distt.- Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gaurav Kumar S/O Sri Babulal Rajak R/O Village- Nathnagar Guldar Patti,
P.S- Lalmatia, Distt.- Bhagalpur At Present Panchayat Rojgar Sevak At
Gram Panchayat Majhgain (Informant)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-03-2026 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel appearing on behalf of
appellant and Spl. Public Prosecutor.

3. This criminal appeal has been filed against the
order dated 06.07.2023 passed by learned Additional District &
Sessions Judge 1st, Munger in ABP No. 820 of 2023 arising out
of SC/ST P.S. Case No. 17 of 2023, registered under Sections
341, 323, 448, 427, 504, 506/34 of the Indian Penal Code and
Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.



4. It is alleged that this appellant, who is *Bhaisur* of *Mukhiya*, entered the room of informant, abused him by caste name and assaulted with fists and slaps. It is further alleged that in course of assault, the accused persons tore the documents relating to Panchayat Office and took away some register and documents.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Appellant has falsely been implicated in this case due to village politics. It is not the case of informant that alleged incident occurred within public view, as such no case under SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail.

6. Considering the nature of accusation and the fact that appellant and others damaged the documents of the Panchayat Office, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

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