

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3647 of 2023**

Arising Out of PS. Case No.-2 Year-2023 Thana- SC/ST District-
Sheikhpura

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CHHOTU KUMAR S/o Navin Singh @ Guhan Singh R/o Village Andauli, P.S.
Chewara, District Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. SHOBHA DEVI W/o Radhey Shayam Paswan Village Andauli, P.S.
Chewara, Dist. Sheikhpura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shambhu Sharan Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 04-02-2026 Heard learned counsel for the appellant and

learned Special Public Prosecutor appearing for the State.

2. Learned Special Public Prosecutor for the

State has submitted that in compliance of the order dated
11.10.2023, he had informed the informant/complainant.

3. There is no representation on behalf of

respondent No.2 despite information with respect to the
present appeal is conveyed to the informant/complainant.

4. This appeal under Section 14A(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 is directed against the order dated



17.04.2023 passed by learned 1st Additional District and Sessions Judge, Sheikhpura in A.B.P. No. 290 of 2023 in connection with Sheikhpura SC/ST P.S. Case No. 02 of 2023 registered under Sections 341, 323, 354, 379, 447, 504, and 506/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) (i) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

5. As per the prosecution case, informant, namely, Shobha Kumari alleged that on 21.01.2023 when her grand son went to attend the call of nature, the appellant snatched his mobile phone and on being asked for mobile, the family members of the appellant refused to return his mobile and started abusing him. Thereafter, grand son of the informant along with his brother went to the house of Mukhiya. Meantime, the appellant along with two others came to the house of informant and the appellant gave iron rod blow over her head and thereafter all three accused persons assaulted her with fists and slaps. On alarm being raised, local people gathered there and thereupon, all the accused persons fled away with the threatening to kill them denoting them by their caste name.



6. Learned counsel appearing for the appellant, who is of clean antecedent, submits that the allegation with respect to assault is false and fabricated one. He further draws the attention of this Court to the injury report of the informant as contained in Annexure-2, series from which it appears that the informant received two cut wounds; one on the right eyebrow and another on the left side of her head. Referring to the injuries sustained by the informant, he further submits that the injuries sustained by the informant are simple in nature caused by a hard and blunt substance. He further submits that as regards allegation of abuse by caste name is concerned, it does not appear to be in a public place as none of the persons has been disclosed before whom the alleged abuse was made as the alleged occurrence took place in the night. 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.

7. Learned Special Public Prosecutor vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that according to the F.I.R. direct allegation of giving iron rod blow over the head of the informant is attributed to appellant.



8. Considering the entire facts and circumstances of the case and also the fact that though injury report is available on record, but the injuries sustained by the informant appears to be of simple in nature and the appellant 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Sheikhpura in connection with Shiekhpora SC/ST P.S. Case No. 02 of 2023 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

9. Accordingly, this appeal is allowed and the impugned order dated 17.04.2023 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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