

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4099 of 2023

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

RAHUL KUMAR Son of Satyendra Bind @ Satendra Binda @ Satyendra
Vind R/o vill - Nisiyama, P.S. and Post - Masaurhi, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Shambhu Paswan R/o vill - Nisiyama, P.S. and Post -
Masaurhi, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Krishna Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 29-06-2026 1. Heard learned counsel for the appellant and
learned Spl. P.P Sri Binay Krishna.

2. The case was taken up on 11.10.2023, when the
learned A.P.P was directed by the learned Coordinate Bench
to inform the informant about pendency of the instant
appeal.

3. The learned A.P.P submits that information was
already provided to the informant, but then, it appears that
informant despite being aware of the pendency of the
appeal chooses not to appear and contest.

4. The appellant has challenged the order dated
18.07.2023 passed by the learned Exclusive Special Court



SC/ST Act, Patna in connection with ABP No.6015 of 2023 arising out of S.No.119 of 2023 Masaurhi SC/ST P. S. Case No.17 of 2023, instituted for the offences under Sections 341, 323, 324, 354, 504, 379, 506 of the Indian Penal Code and Section 3(i)(r)(s), 3(w)(i) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby his prayer for grant of anticipatory bail has been rejected.

5. The learned counsel for the appellant submits that appellant that appellant is a person with clean antecedent and the informant alleges that on 01.04.2023 at about 4:00 PM, her daughter asked the appellant to start the government motor pump from his house, on which he abused by taking caste name. On objection, the appellant assaulted her daughter by *hasua* causing injury on finger.

6. The learned counsel submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that the motor pump was on and the appellant had gone to stop the Motor Pump as water was overflowing on account of which an altercation took place, but then allegation of abuse and assault is an exaggerated allegation. It is further submitted that the date of occurrence



is 01.04.2023 and the FIR came to be instituted on 04.04.2023. It is next submitted that even presuming what has been alleged is true without admitting, then the injury suffered by the injured have been opined to be simple in nature caused by hard and blunt substance, as such, allegation of assault by *hasua*, a sharp edged weapon gets belied. It is further submitted that this perhaps explains why informant despite receiving notice chooses not to appear and contest.

7. The learned Special P. P. opposes the anticipatory bail application.

8. Regard being had to the aforesaid submissions, the order dated 18.07.2023 is set-aside.

9. The appeal stands allowed.

10. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST Act, Patna in connection with ABP No.6015 of



2023 arising out of S.No.119 of 2023 Masaurhi SC/ST P. S.
Case No.17 of 2023, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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