

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4019 of 2024

Arising Out of PS. Case No.-408 Year-2024 Thana- BIHTA District- Patna

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1. Amrish Kumar @ Sumit Kumar Son of Arun Kumar @ Arun Singh Resident of Village- Painal, P.S.- Bihta, Distt.- Patna
 2. Arun Kumar @ Arun Singh Son of Late Murari Singh Resident of Village- Painal, P.S.- Bihta, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Indrapari Devi Wife of Ramesh Paswan Resident of Village- Painal, P.S.- Bihta, Distt.- Patna, Mobile No. -9199101912

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mr. Ramakant Sharma, Sr. Advocate Mr. Adarsh Pramari, Advocate Mr. Rahul Singh, Advocate Mr. Mayank Raj, Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Jeetendra Narayan, Advocate Mr. Ashwani Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 12-02-2026 Heard learned counsel for the appellants, learned counsel for the respondent No.2 and learned Special Public Prosecutor appearing for the State.

2. 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 05.08.2024, in A.B.P. No. 2996 of 2024 passed by learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Bihta P.S. Case No. 408 of 2024 dated 04.05.2024 registered



under Sections 147, 148, 149, 341, 342, 323, 447, 379, 354, 506 and 504 of the Indian Penal Code and Sections 3(1)(r)(s)(w) 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 appellants has been rejected.

3. As per the prosecution case, on 03.05.2024, the appellants along with co-accused persons entered the house of the informant and started abusing by taking caste name and assaulted the informant and her family members by means of *danda*, as a result of which the grandson of the informant sustained fracture in his hand. It is further alleged that all the accused persons snatched Rs. 38,000/- and gold ornaments. It is also alleged that the other accused persons thrashed the grand-daughters of the informant and pointed country made pistol towards them.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against both the appellants. It is also submitted that there is a case and counter case between the parties. As per the injury report, the injury sustained by the injured is simple in nature caused by hard and blunt substance. As regards allegation



of abuse with the caste name attracting the rigours of SC & ST Act is concerned, the same is not made out. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that the appellants are actively involved in the present occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent, let the above named appellants, in the event of their 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 learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Bihta P.S. Case No. 408 of 2024 subject to the conditions laid down under Section 438(2) of the Cr.P.C..

7. Accordingly, this appeal is allowed and the impugned order dated 05.08.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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