

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.26 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- JANTA BAZAR District- Saran

Nagmani Prasad @ Nanmni Pasad Son of Rajadev Prasad Resident of Village
- Kazi Dhamsar , P.S.- Janta Bazar, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhan Ram Son of Lotan Ram Resident of Village - Kazi Dhamsar , P.S.-
Janta Bazar, Distt.- Saran at Chapra.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-07-2026 Despite filing *Vakalatnama*, none appears on behalf
of the respondent no. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
03.07.2021 passed by learned 1st Additional Sessions Judge cum
Special Judge SC/ST (POA) Act, Saran at Chapra in ABP No.
1189 of 2021 arising out of Janta Bazar P.S. Case No. 82 of
2021, registered under Sections 341, 323, 325, 504, 506/34 of
the Indian Penal Code and Section 3(1)(r)(s) of Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of appellant has been



rejected.

4. As per prosecution case, on 4.04.2021 at about 7:30 PM, when informant was returning to this house and reached behind the house of Chechar Gupta, this appellant along with other accused persons brutally assaulted him, abused by caste name and fled away.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against him. It is not the case of informant that alleged incident occurred within public view and as such, no case under SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the nature of accusation and clean antecedent, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Saran at Chapra in connection with



Janta Bazar P.S. Case No. 82 of 2021.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 03.07.2021 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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