

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3858 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- SC/ST District- Purnia

Sumit Kumar @ Sonu son of Mahendra Sah RESIDENTS OF VILLAGE -
SADHUWAILI, P.S.- KASBA, DIST- PURNEA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. ASHOK RAM S/O LATE JAMUNA RAM R/O VILLAGE -
SADHUWAILI, P.S. - KASBA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 29-03-2024 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 01.08.2023 passed by the learned Special Judge, SC/ST, (POA) Act Purnia in connection with Purnia S.C./S.T. P.S. Case No. 37 of 2022, registered for the alleged offences under Sections 447, 341, 323, 354, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(z) of the S.C./S.T. Act.

3. As per the prosecution case, the appellant and other co-accused persons are alleged to have abused the informant by calling his caste name and assaulted the informant and when his wife came to save him and the accused persons pushed her and she fell down



and became semi naked and they dragged the informant and his wife on road as a result the informant wife sustained injuries.

4. Learned counsel for the appellant submitted that the appellant is innocent and have been falsely implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the appeal. The injury sustained by the informant's wife is simple in nature. There is a delay of twenty days in lodging the F.I.R.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 01.08.2023 passed by the learned Special Judge, SC/ST, (POA) Act Purnia in connection with Purnia S.C./S.T. P.S. Case No. 37 of 2022 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)



with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, (POA) Act Purnia in connection Purnia S.C./S.T. P.S. Case No. 37 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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