

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3323 of 2017

Arising Out of PS.Case No. -359 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Rupak Kumar Son of Late Bishwanath Singh Resident of Village -
Saidanpur, P.S. - Gaurichak, Distt. - Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Amrita Paswan, Son of Binda Paswan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Deepak Kumar

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-12-2017

Heard learned counsel for the parties.

This is an appeal under Section 14(2)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T.), Aurangabad in Tr. No. 19 of 2014 arising out of Complaint Case No. 359 of 2014 registered under Sections 323, 341, 504, 506/34 of the Indian Penal Code as well as Section 3 of the SC/ST Act.

The appellant was Assistant Electrical Engineer. The complaint based allegation reveals that electric supply of the complainant was disconnected. The complainant went to inquire about that, the appellant is alleged to have abused him by taking



his caste name.

The complaint petition does not reveal that the occurrence took place in public purview. Hence, the bar under Section 18(2) of the SC/ST Act is not applicable.

Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this application stands allowed.

(Birendra Kumar, J)

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