

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3073 of 2019**

Arising Out of PS. Case No.-157 Year-2019 Thana- HALSI District- Lakhisarai

Ram Pravesh Dube @ Ranjeet Dube, Son of Late Ganesh Dube, resident of Village Sabalbigha, P.S.- Sikandara, District- Jamui.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent.

**Appearance :**

|                      |   |                                                                                                                    |
|----------------------|---|--------------------------------------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Ajay Kumar Thakur, Adv.<br>Mr. Malay Kumar Choudhary, Adv.<br>Mr. Nilesh Kumar, Adv.<br>Mr. Pravin Kumar, Adv. |
| For the Informant    | : | Mr. Manoj Kumar, Adv.                                                                                              |
| For the Respondent/s | : | Mr. Binay Krishna                                                                                                  |

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

ORAL ORDER

2      29-07-2019                      Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 18.07.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge SC/ST Act, Lakhisarai in connection with Halsi P.S. Case No. 157 of 2019 registered under Sections 504 and 506 of the Indian Penal Code, Section 67 (A) of the I.T. Act, 2008 and and Section 3(1) (r) (s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have sent lewd messages through his three mobile phone numbers to the informant and also slated her in the name of her caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. As a matter of fact, appellant is an employee of the Electricity Department, Lakhisarai and on filing petition by the informant before the Executive Engineer, Electricity Department regarding excess electricity bill, the matter was endorsed to the appellant by Executive Engineer to enquire into the matter and report and on making enquiry the appellant made adverse report and peevish with the same the informant has filed this false and frivolous case against the appellant. Appellant has not sent any message to the informant and moreover said process is personal one. There is no allegation of slating the informant in public view in the specific name of her caste. Hence, no offence under SC/ST Act is made out against the appellants. Appellant has no criminal antecedent.

Learned Spl. PP for the State and learned counsel



for the informant opposed the prayer for bail submitting that the appellant has sent messages to the informant times and again and also slated her in the name of her caste. Hence, he does not deserve bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge SC/ST Act, Lakhisarai in connection with Halsi P.S. Case No. 157 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with a condition that if the appellant is found indulged in such activities in future his bail bond shall be cancelled.

Accordingly, the impugned order is set aside and this appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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