

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3879 of 2019

Arising Out of PS. Case No.-2 Year-2014 Thana- SC/ST District- Gaya

Arvind Kuamr @ Arbind Kumar S/O- Late Ramdeo Prasad Resident of village- Darauli, P.S.- Darauli, District- Siwan at present Circle Officer, Mohan Pur Block, P.S.- Mohanpur, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. N.K. Agrawal, Sr. Adv.

Ms. Kiran Sinha, Adv.

For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 13-11-2019 Heard learned counsel for the appellant 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 06.08.2019 passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with SC/ST Gaya P.S. Case No.2 of 2014 registered under Sections 323, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (x) 3 (2) (vii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant approached the Revenue



Officer, namely, Laltun Prasad and demanded residential, caste and income certificate, he instead of providing the same slated in the name of caste and when the informant approached the appellant at his official quarter to make complain against the said Laltun Prasad, instead of extending any help, he also slated in the name of caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, one cousin brother of the informant, namely, Vijay Paswan has filed Misc. Case No.14 of 2013-14 against Ramawatar Paswan and other before him, while he was posted as Circle Officer, Mohanpur Block and he passed the adverse order against the Vijay Paswan and in retaliation thereto, he has been falsely implicated in the case on the basis of false and concocted allegation. Slating the informant in the name of caste is said to have been made at the residence of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant.

Learned Spl. PP for the State opposed the prayer for 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 Exclusive Special Judge SC/ST Act, Gaya in connection with SC/ST Gaya P.S. Case No.2 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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