

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3746 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- SC/ST District- Sitamarhi

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Shubham Kumar, Male, aged about 20 years, S/o Abodh Mandal, Resident of
Village- Madhuban, P.S.- Punaura, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pushpendra Kumar Singh, Advocate
For the State : Mrs.Usha Kumari No.1, Spl. PP SC/ST Act

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-11-2019 Heard learned counsel for the appellant, the informant
and the learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order 20.07.2019 passed by learned 1st Additional District and Sessions Judge-cum-Spl. Judge (S.C./S.T. Act), Sitamarhi in Sitamarhi S.C./S.T. P.S. Case No.11 of 2019 registered for the offences punishable under Sections 147, 341, 323, 324, 337, 504 of the Indian Penal Code and Section 3(i)(s) of the SC/ST Act.

The prosecution case, in short, is that on 20.01.2019 in the evening, he went to purchase the data cable of mobile at the Chowk of village. His villager Shubham Kumar (appellant) sitting on the shop abused him by taking his caste name as “Dusadh” and when he forbade him then Shubham Kumar,



Kamod Kumar, Golu, Jitendra Mandal, Shtrughan Mandal, Dipu Mandal assaulted the informant by slaps and belt and how the informant escaped from there.

Learned counsel for the appellant submits that there is no specific allegation against the appellant. Learned counsel for the appellant further submits that according to the first information report, when the informant alleged went to purchase the cable data of mobile then the present appellant, who was sitting in the shop abused the informant by taking his caste name which is not the public place, therefore, it does not come under the public purview. He further submits that there is no specific overt act against the petitioner rather there is general and omnibus allegation against the appellant.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional District and Sessions Judge-cum- Spl. Judge (S.C./S.T. Act), Sitamarhi in



connection with Sitamarhi S.C./S.T. P.S. Case No. 11 of 2019,
subject to the condition as laid down under Section 438(2) of
the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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