

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1806 of 2020**

Arising Out of PS. Case No.-281 Year-2018 Thana- GOPALPUR District- Patna

ROCKY KUMAR Son of Arun Rai Resident of Village- Bairiya, Bypass,  
P.S.- Bypass, District- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sima Devi Wife of Shambhu Paswan Resident of Village- Harijan Toli, P.S.-  
Gopalpur, District- Patna.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Pramod Kumar

For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH  
ORAL ORDER**

2      27-11-2020              The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellant and Shri Sadanand Paswan, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 27.02.2020 passed by the learned Additional District Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Anticipatory Bail Petition No. 1191 of 2020 arising out of Gopalpur P.S. Case No. 281 of 2018 registered under



Sections 147, 148, 149, 341, 323, 308, 409, 350, 448, 504 and 506 of the Indian Penal Code and Section 3(i) (w) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The case of the prosecution in brief, according to the informant, is that the co-accused person namely Pankaj Kumar used to visit the house of the informant with bad intention and on the alleged date and time of occurrence when the said Pankaj Kumar had come to the house of the informant, her husband and sister-in-law had objected and protested to the behaviour of the said Pankaj Kumar whereupon he had abused them by taking their caste name. It is further alleged that the other accused persons including the appellant herein had subsequently arrived at the house of the informant and had assaulted the informant as also had torn her cloth with ill motive and as far as the appellant is concerned, he is stated to have snatched the gold earring of the informant.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted by the learned counsel for the appellant that as far as



the appellant herein is concerned, there is no allegation of him having abused the informant by taking her caste name and moreover there is no allegation of any sort of specific overt act qua the appellant herein, hence no case is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that a general and omnibus allegation has been levelled against the appellant herein and moreover he is not alleged to have abused the informant and others by taking their caste name, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four 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 learned Additional District Judge-VIII-cum-Special Judge, SC/ST Act, Patna in connection with Gopalpur P.S. Case No.



281 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 27.02.2020 passed by the learned Additional District Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Anticipatory Bail Petition No. 1191 of 2020 arising out of Gopalpur P.S. Case No. 281 of 2018, is set aside.

The Appeal stands allowed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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