

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5423 of 2019**

Arising Out of PS. Case No.-252 Year-2019 Thana- RAJIVNAGAR District- Patna

SURESH SHARMA, aged about 42 years, Male, Son of Late Janak Sharma,  
Resident of Mohalla - Nepali Nagar, Sectir-8, P.S.- Rajiv Nagar, District –  
Patna ... Appellant

Versus

The State of Bihar ... Respondent

**Appearance :**

For the Appellant : Mr. Prabhat Kumar Dipak, Adv.

For the Respondent : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

2      06-01-2020                      Heard the learned counsel for the appellant and the  
learned Additional Public Prosecutor.

This criminal appeal, under Section 14(A)2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order, dated 27.29.2019, passed by the Additional Sessions Judge XX-cum-Special Judge, SC/ST Act, Patna, in Special Case No. 241 of 2019 arising out of Rajiv Nagar P.S. Case No. 252 of 2019, registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer of the pre-arrest bail of the appellant was refused.

In brief, the prosecution case is that on getting the information about construction of house over the land of the Bihar State Housing Co-operative Federation Ltd. by Suresh



Sharma and Sushil Upadhaya, the informant, Umesh Kumar Ram, being the employee of the Bihar State Housing Co-operative Federation Ltd. and other officials reached on spot to stop the construction work. When the informant tried to get the work stopped, the, wife of the appellant and 2-3 other ladies started to abuse denoting the caste and also gave threatening to kill the implicate him in false case.

Submission is that it would appear from the first information report that allegation of abusing and causing assault is against the wife of the appellant and 2-3 others ladies. It would also appear from the first information report that the appellant was not present on the spot.

Having regard to the facts and circumstances of the case, the impugned order, dated Special Case No. 241 of 2019 arising out of Rajiv Nagar P.S. Case No. 252 of 2019, is set aside and the appeal is **allowed**.

Let the appellant, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Special Case No. 241 of 2019 arising out of Rajiv Nagar P.S. Case No. 252 of 2019 shall 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 the Additional Sessions Judge XX-cum-Special Judge,  
SC/ST Act, Patna, or the successor Court subject to the  
conditions as laid down under Section 438(2) Criminal  
Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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