

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.515 of 2020**

Arising Out of PS. Case No.-391 Year-2019 Thana- WAJIRGANJ District- Gaya

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BHANU KUMAR @ PAPLISH KUMAR Son of Janindra Singh, Resident of
Village- Saliway, P.S.- Wazirganj, District- Gaya, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 10-03-2021 Heard both sides.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 08.01.2020 passed in A.B.P. No.05 of 2020 by which by learned Special Judge (SC/ST Act), Gaya rejected the prayer for grant of anticipatory bail of the appellant in Wazirganj P.S. Case No.391 of 2019 registered under Sections 143, 323, 504, 354 and 506 of the I.P.C. and under Section 3(i)(r) of the SC/ST (POA) Act.

The informant alleged that on 31.10.2019 the appellant and other accused persons abused and assaulted the informant and his family members only because the informant belonged to Dhobi caste, while the informant was celebrating the birth anniversary of Dr. Bhim Rao Ambedkar. It is further alleged that again the accused persons came in a group and



brutally assaulted the informant and his family members causing injuries to them. When the informant informed the police, again the accused persons started pelting stones on their houses.

Learned counsel for the appellant submits that there is a counter version. Kauleshwar Singh lodged Wajirganj P.S. Case No.393 of 2019 on 01.11.2019 in which he alleged that Bittu Kumar (informant of the present case) and others assaulted Rahul Kumar (grandson of Kauleshwar Singh) when Rahul Kumar asked from Bittu Kumar about obscene posts made on the Facebook. The present case is lodged in retaliation of the case lodged by Kauleshwar Singh. It has further been submitted that the informant is an active member of M.C.C. and he always used to lodge cases under different Sections of SC/ST Act.

Learned Special P.P. submits that the informant has not lodged any other case. From perusal of the allegations, it would appear that since the informant belongs to scheduled caste, the informant and his family members were assaulted and humiliated.

Having considered the facts aforesaid and the allegations made against the appellant and the facts that there is allegation against the appellant that he along with others assaulted the informant and his family members with a view to



humiliate them and put obstruction in celebration of birth anniversary of Dr. Bhim Rao Ambedkar, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the same is rejected.

The appeal is dismissed.

(Prabhat Kumar Jha, J)

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