

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.482 of 2020**

Arising Out of PS. Case No.-9 Year-2019 Thana- SC/ST District- Bhagalpur

RAJESH KUMAR @ RAJESH KUMAR CHAURASIYA @ KOKO MODI
Son of Late Bhagwan Modi, Resident of Village- Dariyapur, P.S.- Sajaur,
District- Bhagalpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashutosh Kumar, Adv.

For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 22-03-2021 Heard learned counsel for the appellant and learned
Special P.P.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 14.01.2020 passed in A.B.P. No.34 of 2020 by which the learned Special Judge, Bhagalpur rejected the prayer for grant of anticipatory bail of the appellant in Bhagalpur SC/ST P.S. Case No.09 of 2019 registered under Sections 341, 323, 354B, 504, 506 and 34 of the I.P.C. and under Sections 3(i)(r)(s), 3(2), (va) of the SC/ST Act.

The informant, in sum and substance, alleged that the pathway to the house of the informant was blocked by the appellant and other accused persons and when the informant



objected, the appellant and others abused the informant naming her caste. The accused persons also assaulted the informant and made her half naked.

Learned counsel for the appellant submits that the allegation made against the appellant is false and concocted. Some dispute arose between the two sides for blocking the road and for that the informant resorted to special privilege granted to her under the SC/ST Act and lodged the present case. It is a sheer misuse of special privilege to the informant.

Learned Special P.P., however, opposed the prayer for anticipatory bail and submits that on the face of it, it appears that the occurrence took place due to blockage of road.

Taking into consideration the facts aforesaid and the nature of allegation made against the appellant and the fact that the occurrence took place on account of dispute with regard to the passage leading to the house of the informant, I find that the appellant deserves anticipatory bail. Accordingly, the order dated 14.01.2020 is set aside. The appeal is allowed. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of



Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No.09 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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