

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5187 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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DR. MEGHAN PRASAD @ MEGHAN PRASAD Son of Late Fuddi Mahto
Resident of House no.3SFA, 1/39 HIG Flat bhutnath road bahadurpur housing
colony, Sampatchak, P.S-Agamkuan, Patna-800026.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Dr. Manju Kumari Resident of Manju Villa, Khemnichak, East, P.O.-East
Laxmi Nagar, P.S-Ramkrishna nagar, District-Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ajay Thakur, Adv. Mr.Abhay Kumar Thakur, Adv. Mr.Arvnendra Kumar Thakur, Adv. Ms.Sukriti Kumari, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2021 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, (hereinafter in short referred to as the 'SC/ST Act')
against the refusal of prayer for anticipatory bail vide order
dated 13-09-2019 passed by learned ADJ XX-cum-Spl Judge,
SC/ST Act, Patna, in connection with Complain Case No.5 of
2019, registered under sections 323, 341 of the IPC and sections
3(1) (2) of the SC/ST (Prevention of Atrocity) Act.

The prosecution case in brief, is that the appellant has
made attendance on other department pad and when the



complainant being the head of department objected to it, the appellant abused her in the name of caste. It is further alleged that when the complainant asked to stop abusing, he blamed on her character.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. The appellant has no concern with the aforesaid occurrence and has been falsely implicated in this case. The alleged occurrence took place on 22.01.2019 but the complain was registered for the same on 24.01.2019 i.e. after a delay of two days. No offence under SC/ST Act is made out against the appellant as the allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that alleged occurrence has taken place in public view. It is submitted that the complainant has not lodged any FIR against the appellant. The occurrence took place inside the chambers and not in a public place. The appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail on the ground that cognizance has been taken, so the prayer for anticipatory bail is not applicable.



Considering the arguments of both the parties, this Court is of the considered view that no case is made out against the appellant under the SC/ST Act as the said occurrence took place in the chambers and not in a public place, coupled with the fact that there is a delay of two days in lodging the complaint, the ground of cognizance raised by learned Spl.P.P. for the State cannot be said to be maintainable. As such, I am inclined to grant anticipatory bail to the appellant.

Accordingly, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ XX-cum-Spl Judge, SC/ST Act, Patna, in connection with Complain Case No.5 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

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