

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.379 of 2022

Arising Out of PS. Case No.-167 Year-2020 Thana- SURSAND District- Sitamarhi

Ravi Shankar Thakur Son Of Prem Shankar Thakur R/O Village- Radhaur,
P.S.- Sursand, District- Sitamarhi

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kanti Devi Wife Of Bechan Baitha R/O Village And Post- Radhaur, P.S.-
Sursand, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alexander Raj
For the Respondent/s	:	Mr. Abhinay Raj
For the Informant	:	Mr. D.K.Sinha

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 21-07-2022 Heard learned counsel for the appellant.

The present appeal under Section 14(a) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the SC/ST (POA) Act) preferred against the order dated 03.01.2022 passed by the learned Exclusive Special Judge SC/ST (POA) Act, Sitamarhi Act in connection with Sursand P.S.Case No. 167 of 2020 instituted for the offence under Sections 341, 504, 506 of the Indian Penal Code and section 3(1)(r)(s) of the SC/ST (POA)Act whereby prayer for bail of the appellant has been rejected.

As per the prosecution case, it is alleged that on



24.04.2020 during the period of lock down the appellant started gathering crowd by telling the people to give Rs. 1000/- for Ration Card and when it was protested by the informant, the appellant, who happens to be PDS dealer of ward no. 13-14 started abusing his son and family members by calling his caste name and also threatened to kill him. It is further alleged that the appellant has also send abusive and obscene message on facebook.

Learned counsel appearing on behalf of the appellant submits that the present case is nothing but an out come of political rivalry and the informant and appellant were contesting election for the post of Mukhiya and the respondent no. 2 was defeated by the appellant. It is next submitted that the appellant had also highlighted several irregularities committed by respondent no. 2, while she was holding the post of Mukhiya as also when she was PDS dealer running her shop in the name of her sister-in-law. It is next submitted that the appellant was completely denied the allegation of sending any obscene and abusive message on facebook. The appellant is in custody since 18.12.2021 and moreover, investigation is completed and charge sheet has been submitted.

On the other hand, learned counsel for the informant



and the State opposes the appeal and submit that the appellant is a habitual offender carrying multiple criminal antecedent and he has also obtained bail by making false submissions. It is also submitted that the appellant is found involved in seven cases in response to the aforesaid submission, learned counsel for the appellant submits that the appellant is on bail in all six cases and in one case he has acquitted.

Having regard to the submissions made on behalf of the parties, as also the nature of allegation which prima facie appears to be politically motivated and moreover, the investigation of the crime is already completed and the charge sheet has been submitted and appellant is in custody since 18.12.2021, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge/ Special Judge SC/ST (POA) Act , Sitamarhi in connection with Sursand P.S.Case No. 167 of 2020.

Accordingly, the impugned order dated 03.01.2022 is set aside and the present appeal is hereby allowed.

N.K/-

(Harish Kumar, J.)

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