

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.345 of 2022

Arising Out of PS. Case No.-450 Year-2020 Thana- SAUR BAZAR District- Saharsa

WISHWA PRAKASH BHARTI @ VISH PRAKASH BHARTI S/o Late Mahendra Yadav @ Mahendra Prasad Yadav R/o village- Mahua, P.S.- Gheladh, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sobha Devi W/o Late Pulkit Paswan R/o village- Dhanchhoha, P.S.- Sourbazar, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.01.2022 in A.B.P. No. 564 of 2021 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, Saharsa in connection with Sour Bazar (Bajinathpur O.P.) P.S. Case No. 450 of 2020 registered under Sections 341, 323, 302, 201, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s)/3(2)(v) of the SC/ST Act.

Learned counsel for the appellant submits that appellant is a person with clean antecedent.



The informant alleges that on 01.12.2020, she received an information that her husband has been killed when he had gone to participate in a Puja. It is alleged that about ten days back, the appellant, who runs a Chimini in the village, had threatened to commit the murder of the husband of the informant. It is alleged that Rajendra Yadav also two days back had abused the husband of the informant using his caste name as detailed in the FIR and had also threatened to kill him.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and from perusal of the allegation as alleged in the FIR, it would manifest that no offence under the SC/ST Act is, prima facie, made out against the appellant. It is next submitted that the police, after investigation, submitted final form in favour of the appellant and the learned court below in a mechanical manner differing with the police report took cognizance. It is next submitted that during the course of investigation no material came which could even remotely connect the appellant with the offence. It is then submitted that it is beyond comprehension that on what basis the learned court below proceeded to take cognizance of the offence when, prima facie, from bare reading of the allegation as alleged in the FIR no offence under the



SC/ST Act is made out against the appellant.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail of the appellant but is not able to rebut the submission of the learned counsel for the appellant that from bare reading of the allegation as alleged in the FIR, no offence, under the SC/ST Act, is made out against the appellant.

Considering the submission made by learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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