

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.411 of 2022**

Arising Out of PS. Case No.-295 Year-2021 Thana- KUDRA District- Kaimur (Bhabua)

RAJ KUMAR RAM @ RAJA KUMAR SON OF MANOJ RAM RESIDENT
OF VILLAGE- GHATAON, P.S.- KUDRA, DISTRICT- KAIMUR AT
BHABUA

... .. Appellant/s

Versus

1. The State of Bihar
2. PREMKANT BESRA SON OF NOT KNOWN PRESENTLY POSTED AS
A.S.I., KUDRA POLICE STATION, DISTRICT- KAIMUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pawan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

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 17.12.2021 in ABP No.118 of 2021 passed by the learned 1st Additional Sessions Judge-1st-Cum-Special Judge, Kaimur at Bhabua in connection with Kudra P.S. Case No. 295 of 2021 registered under Sections Sections 147, 149, 341 342, 323, 307, 332, 353, 427, 290, 504 and 506 of the Indian Penal Code and Sections 3(1) (r) (s) and 3(2) (va) of the Schedule



Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that on the date and time of occurrence, the appellant along with other accused persons formed an unlawful assembly and obstructed the informant from carrying out his duty of maintaining law and order after an occurrence of road accident had taken place, it is next alleged that appellant was accompanied by 13 named accused persons and about 100-150 unknown persons who acted with common intention in obstructing the informant from carrying out his public duty.

The learned counsel for the appellant submits that from bare perusal of allegation as alleged in the FIR, it would manifest that prima facie no offence under the SC/ST Act is made out, it is further submitted that though informant is an SC Officer but then he was discharging his duty and the accused persons were unaware about the caste of the informant, it is next submitted that even from the allegations as alleged it does not appear that anyone abused him by his caste name and as far as creating hindrance in discharge of official duty is alleged, the same is general and omnibus in nature.

Learned Spl.P.P. for the State opposes the prayer for



anticipatory bail of the appellant.

Considering the submissions made by the learned counsel for the appellant, the order dated 17.12.2021 in ABP No.118 of 2021 passed by the learned 1st Additional Sessions Judge-1st-Cum-Special Judge, Kaimur at Bhabua in connection with Kudra P.S. Case No. 295 of 2021 is hereby set aside and the appellant, above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kudra P.S. Case No. 295 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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