

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.366 of 2022

Arising Out of PS. Case No.-553 Year-2021 Thana- BEUR District- Patna

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1. PRAKASH KUMAR SON OF PREM SHARMA R/O - MAGADH COLONY, P.S.- BEUR, DISTRICT- PATNA
 2. SONI KUMARI WIFE OF PRAKASH KUMAR R/O - MAGADH COLONY, P.S.- BEUR, DISTRICT- PATNA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ratanakar Jha, Advocate
For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2022 Heard learned counsel for the appellants 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 07.01.2022 in ABP No. 16 of 2022 passed by the learned Additional District & Session Judge-III-cum-Special Judge S.C./S.T. Act, Patna in connection with Beur P.S. Case No. 553 of 2021 registered under Sections 341, 342, 323, 504 and 34 of the Indian Penal Code read with Sections 3 (i) (s) of the SC/ST Act.



Learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no.2 is a young lady and wife of appellant no.1 and the informant alleges that on 11.12.2021 at about 9:30 am, when he was sitting outside his house with his neighbour, the appellants who are his neighbours came and also called some unknown persons and took out *lathi* and gun for hitting the informant and also started abusing in the name of mother and sister, it is next alleged that earlier also the father of appellant no.1 had done the same occurrence. It is next alleged that appellant no.1 can falsely implicate the informant with the help of his wife as such the informant feels threatened. It is next alleged that appellant no.1 also threatened that he will see them by the evening and even called him by his caste name.

Learned counsel for the appellants submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that no offence under the SC/ST Act is made, as far as appellant no.2 is concerned, except for the fact that she had accompanied the appellant no.1, there is nothing against her in the F.I.R. It is next submitted that though the informant alleges that he was sitting outside his house with his neighbour but the name of the neighbor is not disclosed. It is further submitted that



no offence took place in public view nor name of any public is mentioned in the F.I.R. rather from the tenor of the allegation it appears that the informant has done something for which he feels threatened that he might get implicated by the appellant no.2 and just in order to avoid the said situation, the present false F.I.R. came to be instituted. Learned counsel further submits that since no offence under the SC/ST Act *prima-facie* is made out as such there is no need to issue notice upon the informant.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants but is not able to meet the submissions of the learned counsel for the appellants that there is nothing against the appellant no.2 in the F.I.R. and that the occurrence was not committed in public view nor name of any person is mentioned in the F.I.R. in whose presence the occurrence took place.

Considering the submissions made by the learned counsel for the appellants, the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each



to the satisfaction of the learned court below where the case is pending/successor court in connection with Beur P.S. Case No. 553 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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