

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.430 of 2022

Arising Out of PS. Case No.-479 Year-2019 Thana- SAHPUR District- Patna

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1. SUNITA KUMARI Wife of Govinda Rai Resident of Village - Habaspur, Police Station - Shahpur, District - Patna.
 2. Govinda Rai Son of Prem chand Rai Resident of Village - Habaspur, Police Station - Shahpur, District - Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Santosh Kumar Prasad Son of Ram Pukar Ram Resident of Village - Masudpur, Police Station - Shahpur, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-08-2022 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 06.07.2021 in ABP No. 3335 of 2021 passed by the learned Additional District Judge-III-cum-Special Judge, SC/ST, Patna in connection with Shahpur P.S. Case No. 479 of 2019 registered under Sections 406, 409, 420 and 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Schedule Caste



and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that he is a Ward Councillor and he along with other Ward Councillor paid huge amount in the account of one Raj Kumar for the purposes of executing the work of Nal Jal Yojna on the assurance of the Mukhiya and her husband that the said person will execute the work, however the said Raj Kumar left the work mid-way and when the informant and others complaint to the appellants, the appellants abused the informant and other by taking their caste name specifically.

Learned counsel for the appellants submits that appellants have been falsely implicated in the present case, it is next submitted that informant himself is a Ward Councillor and he on his own volition had chosen the contractor for completing the work of Nal Jal Yojna and had accordingly paid the amount but after siphoning of the amount in connivance with the contractor, has falsely implicated the appellants by alleging that it was on their assurance that the money was paid to Raj Kumar. Learned counsel further submits that as far as allegation of hurling abuses by taking caste name is alleged, the same is not specific as the FIR does not disclose what kind of abuse was



hurled on the informant, nor the FIR discloses that the offence was committed in public view as such prima-facie no offence under the SC/ST Act is made out.

Learned Spl.P.P. for the State opposes the prayer for anticipatory bail of the appellants.

Considering the submissions made by the learned counsel for the appellants, the order dated 06.07.2021 in ABP No. 3335 of 2021 passed by the learned Additional District Judge-III-cum-Special Judge, SC/ST,Patna in connection with Shahpur P.S. Case No. 479 of 2019 is hereby set aside and 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. 2,000/- (Rupees Two 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 Shahpur P.S. Case No. 479 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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