

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.514 of 2022**

Arising Out of PS. Case No.-163 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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BABU JHA @ BAUA JHA Son of Prabhu Jha Resident of Village - and P.O.-
Harinagar, P.s.- Kusheshwar Asthan, Distt.- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Indu Narayan Paswan Son of Ram Sevak Paswan R/o Hari nagar P.s.-
Kusheshwar Asthan Dist- Darbhanga

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Binay Krishna, Spl.PP.
Mr. Navin Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 23-11-2022 Heard the parties.

Learned counsel for the appellant is directed to
remove the defect(s) pointed out by office within four weeks.

In view of the Apex Court order dated 10.01.2022, in
Re:cognizance for Extension of Limitation, Suo Moto Writ
(Civil) No. 3 of 2020, the delay in filing of this appeal is hereby
condoned.

This is an appeal under section 14(A) (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for anticipatory bail
vide order dated 30.01.2021, passed by learned 1st Additional



Sessions Judge cum Special Judge (POA Act), Darbhanga, in connection with Kusheshwar Asthan P.S. Case No.163 of 2019, registered u/s 341, 323, 354(B), 379, 427/34 of the IPC and sections 3(a)(r)(s) of the SC/ST (POA) Act.

Allegedly, the FIR named accused persons including the appellant is said to have assaulted the informant. It is alleged that appellant pulled the informant's mother by catching her saree.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation due to grudge, enmity and village politics. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against the appellant to have abused the informant's side. The specific allegation is against co-accused Satya Narayan Mishra who abused the informant by saying his caste name. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case,



since there is no overt act against the appellant, let the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (POA Act), Darbhanga, in connection with Kusheshwar Asthan P.S. Case No.163 of 2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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