

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.654 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- BIRAUL District- Darbhanga

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GOPAL JHA @ LALBABU JHA Son of Late Bindeshwar Jha Resident of
Village Athar, P.S. Biraul, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Nilesh Kumar, Advocate
For the State	:	Mrs. Usha Kumari-1, Special P.P.
For the Informant	:	Mr. Krishna Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 Heard learned counsel for the appellant, learned

counsel for the informant and learned Special Public Prosecutor

for the State.

Learned counsel for the appellant undertakes to

remove the defects within four weeks of resumption of normal

court proceeding. In the eventuality of non-removal of defects

within undertaken period, the office will place the matter before

the Bench.

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 of anticipatory bail

vide order dated 04.01.2022 passed by learned 3rd Additional



Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in connection with Biraul P.S. Case No. 271 of 2021 registered under Sections 504, 341, 323 & 308/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellant along with other co-accused is said to have slated the informant in the caste name and also assaulted him. The reason behind the occurrence is said to be demanding of rent of Rs.2000/- of generator.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to trivial dispute. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation of assaulting the informant levelled against the appellant is not specific rather general and omnibus in nature. There is specific allegation of assaulting the informant against co-accused Shambhu Jha. Appellant has no criminal antecedent.

Learned Spl. PP assisted by learned counsel for



the informant vehemently opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in connection with Biraul P.S. Case No.271 of 2021, 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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