

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.888 of 2022**

Arising Out of PS. Case No.-856 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

1. PANKAJ KUMAR S/o Umesh Ray Resident of Village - Khalinpur, Ward No. -07, P.S. - Ahiyapur, Dist. - Muzaffarpur.
2. MUKESH KUMAR S/o Suresh Ray Resident of Village - Khalinpur, Ward No. -07, P.S. - Ahiyapur, Dist. - Muzaffarpur.
3. DHARMENDRA KUMAR S/o Umesh Ray Resident of Village - Khalinpur, Ward No. -07, P.S. - Ahiyapur, Dist. - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarvjeet Chaudhary Son of Surseh Chaudhary At Present junior engineer electric supply unit jhapha,P.S-Ahiyapur,District-Muzaffarpur

... .. Respondent/s

**Appearance :**

|                      |   |                         |
|----------------------|---|-------------------------|
| For the Appellant/s  | : | Mr.Ratneshwar Prasad    |
| For the Respondent/s | : | Mr.Binay Krishna        |
|                      |   | Mr.Shanti Bhushan Singh |

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

ORAL ORDER

4      12-09-2022                      The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor for the State and Mr. Shanti Bhushan Singh, the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting



aside the order dated 24.01.2022 passed by the learned Special Judge SC/ST (POA), Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 856/2021 registered for offence punishable under sections 353, 341, 323, 504, 506/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

The informant is a Junior Engineer in Electricity Department. As per allegation, the accused persons including the appellants committed hindrance in erecting high tension wire. They were persistently asking the informant to remove the high tension wire, which was passing nearby their houses and they also abused the informant by calling his caste name.

The learned counsel for the appellants has submitted that the appellants are the persons of cleans antecedents. The genesis of occurrence appears to be non-removal of high tension wire, which was passing nearby the houses of the accused persons.

It does not appear that the occurrence had taken place due to malicious feeling of caste, as such, the provision of SC/ST Act is not attracted *prima facie*.

Considering the above-mentioned facts and



circumstances and also considering that the appellants are the persons of clean antecedents, the appeal is allowed and the impugned order dated 24.01.2022 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA), Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 856 of 2021.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

Mahesh/-

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