

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1208 of 2022**

Arising Out of PS. Case No.-32 Year-2021 Thana- SC/ST District- Vaishali

RAJAN KUMAR @ AMAN KUMAR S/o Braj Kishore Singh R/o village-
Pranpur Berai, P.S.- Sadar Hajipur, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 21-09-2022 Heard learned counsel for the parties.

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 28.02.2022 in A.B.P. No. 153 of 2022 passed by the learned Special Judge S.C./S.T., Vaishali at Hajipur in connection with SC/ST P.S. Case No. 32 of 2021 registered under Sections 341, 147, 323, 448, 380, 354, 427 and 504 of the Indian Penal Code as well as Sections 3(i)(r)(s) (w) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is a person with clean antecedent

The informant alleges that on 20.11.2021 at 12:00 p.m. the accused persons including the appellant came variously armed at her house and abused the informant by taking her caste name. On protest, they entered into her house and assaulted by fists and slaps



and Braj Kishore Singh took away a steel box containing ornaments worth Rs.50,000/- and papers relating to the land, Tannu Kumari snatched three Jitiya worth Rs.50,000/- from the neck of the informant and Dilip Singh Singh broke two chairs worth Rs.1,000/-. It is further alleged that when her son Shashi Ranjan came to save her they also assaulted him by means of slaps and appellant snatched Rs.10,000/- from the pocket of her son.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and from bare perusal of the allegation as alleged in the FIR, it would manifest that prima facie no offence under the SC/ST Act is made out. It is further submitted that even presuming what has been alleged is true without admitting the same for the purpose of anticipatory bail then the entire occurrence took place at the house of the informant and thus was not in public view. It is next submitted that the present case has been instituted on account of land dispute and the allegation of taking away box, Jitiya and snatching Rs.10,000/- is ornamental in nature. It is also submitted that there is no injury report on the record. It is next submitted that the father of the appellant had earlier instituted two cases against the husband, two sons and other family members of the informant, as such, the present case by way of counterblast came to be instituted. It is next submitted that the date of occurrence is 20.11.2021 and the FIR came to be instituted on 29.11.2021 i.e. after a delay of nine days which amply demonstrates



the falsity of the allegation.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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