

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1332 of 2022

Arising Out of PS. Case No.-37 Year-2020 Thana- SC/ST District- Sitamarhi

RAM PRAVESH RAI Son of Late Mohan Rai Resident of Village -
Mahuawan, P.s.- Bathnaha, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Genalal Thakur Son of late Ram Bahadur Thakur Resident of Village -
Mahuawan, P.s.- Bathnaha, Distt.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the appellant 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 16.03.2022 in ABP No. 437 of 2022/31 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Sitamarhi S.C./S.T. P.S. Case No. 37 of 2020 registered under Sections Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Schedule Caste and



Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellant next submits that appellant has antecedent of one case and the informant alleges that on 28.09.2020 in the evening, the appellant and his brother started abusing and humiliating him in connection with passage by taking his caste name and the accused persons assaulted him but he was saved when villagers gathered.

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 the informant does not disclose as to what abuse was hurled upon him, it is next submitted that the occurrence did not take place in public view, nor the allegation remotely suggests that anyone witnessed the occurrence as such prima-facie no case under the SC/ST Act is made out and as far as allegation of assault is concerned, the same is ornamental in nature.

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

Considering the submissions made by the learned counsel for the appellant, the order dated 16.03.2022 in ABP No. 437 of 2022/ 31 of 2022 passed by the learned 1st Additional



Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Sitamarhi S.C./S.T. P.S. Case No. 37 of 2020 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sitamarhi S.C./S.T. P.S. Case No. 37 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

