

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1418 of 2022**

Arising Out of PS. Case No.-499 Year-2021 Thana- TEKARI District- Gaya

VIKRANT KUMAR SON OF ANIL KUMAR @ ANIL VERMA R/O
VILLAGE- GHANGHAILA, P.S.- TEKARI, DISTRICT- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JOSHI KUMAR SON OF BALGOBIND DAS R/O VILLAGE-
GHANGHAILA, P.S.- TEKARI, DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

2 04-08-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within three weeks. 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 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 26.03.2022, passed by learned Exclusive Special Judge, SC and ST Act, Gaya, in connection with Tekari P.S.



Case No.499 of 2021, registered under sections 341, 323, 504 and 506 of the IPC and sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

Allegation against the appellant is of assaulting and abusing the informant by taking his caste name.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is stated that earlier the appellant's side had lodged an F.I.R. against the informant, thereafter, the informant has filed the present case. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence is not said to have taken place in the public view. No injury has been sustained by the informant. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that from perusal of the FIR itself, it is apparent that the appellant has abused the informant by taking his caste name.

Considering the facts and circumstances of the case, since there is specific allegation against the appellant of



abusing the informant by caste name, I am not inclined to
enlarge the appellant on anticipatory bail. The prayer for grant
of anticipatory bail on his behalf is rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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