

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2852 of 2021**

Arising Out of PS. Case No.-199 Year-2020 Thana- BHORE District- Gopalganj

AKASH RAI Son of Sri Rajendra Rai R/o Village - Chhathiaon, P.S.- Bhore,
District - Gopalganj.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pinku Ram Nandjit Ram R/o-Jigana Dubey, P.S.-Bhore, District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar Pandey
For the Respondent/s	:	Mrs.Usha Kumari No.1, Spl.P.P. Mr.Sanjay Kumar Pandey No.1, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2022 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

This is an appeal under section 14A (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 for anticipatory bail vide order dated 15.03.2021, passed by learned ADJ-1-cum-Special Judge, SC/ST Act, Gopalganj, in connection with Bhore P.S. Case No.199 of 2020, registered under sections 420, 406 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

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 submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence has not taken place in the public view and there is no specific overt act against the appellant to abuse the informant in caste name. It is further submitted that the appellant is ready to pay Rs.20,000/- to the respondent no.2. Appellant has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, since the appellant is agreed to pay Rs.20,000/- to the respondent no.2, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-1-cum-Special Judge, SC/ST Act, Gopalganj, in connection with Bhore P.S. Case No.199 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

However, court below is directed to accept the bail bonds



of the appellant after showing the receipt of payment of Rs.20,000/- to the respondent no.2 and it will not prejudice the right of the appellant for consideration of bail.

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

(Anjani Kumar Sharan, J)

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