

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2946 of 2021

Arising Out of PS. Case No.-597 Year-2020 Thana- FATUA District- Patna

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RANA KUMAR Son of Anil Das Resident of Village- Maksudpur, P.S.-
Fatuha, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita devi wife of Ram Pravesh Paswan village- Maksudpur, P.S.- Fatuha,
District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mrs.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-10-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

As per order dated 05.05.2022, notice was issued to
respondent no.2 and the same was validly served but nobody
has entered appearance on her behalf.

This is an appeal under section 14(A) 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
31.03.2021, passed by learned Additional District and Sessions
Judge-III-cum- Special Judge, SC/ST, Patna, in connection with
Fatuha P.S. Case No.597 of 2020, registered under sections 147,



148, 149, 342, 323, 354, 307, 373, 504 of the IPC, section 27 of the Arms Act and sections 2(i) (r) (s) (w) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellant came in her locality and started firing and misbehaved with the female members. On information, police came there and the accused fled away but repeatedly, they came armed with pistol, lathi and bricks and assaulted the nephew of informant and others.

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 has 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 there is no specific overt act against the appellant to have abused by caste name or to have assaulted the prosecution side. Appellant has one criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is no specific allegation against the appellant of abusing the informant's side by taking caste name, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six 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 learned Additional
District and Sessions Judge-III-cum- Special Judge, SC/ST,
Patna, in connection with Fatuha P.S. Case No.597 of 2020,
subject to the condition as laid down under section 438 (2) of
the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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