

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2941 of 2021**

Arising Out of PS. Case No.-167 Year-2020 Thana- KORHA District- Katihar

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RUPESH KUMAR S/o of Suresh Singh Resident of Village - Fulwariya, P.S.
- Kodha, District - Katihar.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Parwati Kumari daughter of Ganpati Paswan R/o vill- Fulwariya, P.S.-
Kodha, District- Katihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-11-2022 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 four 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 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 of anticipatory bail
vide order dated 27.08.2022 passed by learned Addl. Session
Judge Ist Cum Special Judge, Katihar in connection with Kodha



P.S. Case No. 167 of 2020 registered under Sections 498(a), 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3/4 of Dowry Prohibition Act, 1961.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant is the husband of the informant. Husband is ready to keep her wife with full dignity and honour. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Similarly situated other co-accused persons were granted bail by the coordinate bench of this Court vide order dated 24.02.2021 passed in Cr. APP (SJ) No. 2098 of 2020. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge Ist Cum Special Judge, Katihar in connection with Kodha P.S. Case No. 167 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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