

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2212 of 2022**

Arising Out of PS. Case No.-6 Year-2022 Thana- SC/ST District- Patna

Harshit Raj @ Raja Kumar, Son Of Shastri Yadav R/O Village - Kanchanpur,  
P.S. - Bihta, District - Patna.

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Abhimanyu Deo  
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

2      21-09-2022                      Heard learned counsel for the appellant and the  
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 10.06.2022 passed by the learned Special Judge, SC/ST Act, Patna in connection with Patna SC/ST P. S. Case No.06 of 2022, instituted for the offences under Sections 341, 323, 504, 447, 448, 354, 436 and 34 of the Indian Penal Code and Section 3(i)(r)(s)(w)/ 3(2)(iv) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that the appellant is a person with clean antecedent and is a young boy of 22 years of age and the informant alleges that the appellant along with co-accused Chandan called him by



his caste name and when the informant objected, the appellant and co-accused assaulted him, but on timely intervention of the local people, he was rescued. It is next alleged that after sometime, Lav Kush Yadav, Nipu Yadav and Chandan Kumar came and started abusing the brother of the informant and were also searching the informant, but the informant managed to escape from the house and thereafter, the appellant and other co-accused set ablaze the house.

The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is next submitted that the allegation is in second part. In the earlier part, it is alleged that this appellant along with Chandan abused and assaulted the informant, but on intervention of the local people, the matter was settled and in the second part of the allegation, it is alleged that other co-accused came and started abusing his brother and were also searching him, but the informant managed to escape and the accused persons set his house on ablaze. It is next submitted that as far as the allegation is alleged, the occurrence had taken place at Bihta on 11.02.2022, but the present F.I.R. came to be instituted on 14.02.2022 at Patna SC/ST Police Station, which further goes to demonstrate



that the informant instituted the F.I.R. after a delay of three days and utilized the time to falsely implicate the appellant and the accused persons. It is also submitted that as far as allegation in the SC/ST (P.O.A.) Act with respect to the appellant is alleged, the same is not made out.

Regard being had to the aforesaid submissions, the order dated 10.06.2022 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Patna SC/ST P. S. Case No.06 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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