

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3982 of 2021**

Arising Out of PS. Case No.-6 Year-2020 Thana- MAIGRA District- Gaya

ANIL VERMA @ ANIL KUMAR VERMA Son of Late Jagannath Prasad
Resident of Village Narayanpur, Tola Kairidih, P.O. and P.S. Maigra, District -
Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Bhuiyan Son of Ramvali Bhuiyan, Resident of Harni
Khajura, Maigara, Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-08-2022 The learned counsel for the appellant is directed to
remove all the defects pointed out by the office within one
month.

Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the
appellant under Section 14 (A) (2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting
aside the order dated 12.08.2021 passed by the learned Special
Judge, SC/ST Act, Gaya in A.B.P. No. 2047 of 2021, arising out
of Maigra P.S. Case No. 6 of 2020 registered for offence
punishable under sections 341, 323, 504, 506 of the Indian



Penal Code and sections 3 (i) (r) (s) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the appellant abused the informant by calling his caste name when he was standing for hoisting of flag in Panchayat Bhawan.

The learned counsel for the appellant has submitted that the informant is a Ward Secretary and in the morning of same day occurrence, the appellant lodged a case in the same police station informing misdeed and defalcation committed by husband of Mukhiya, namely, Irfan Khan. In retaliation, at the instance of Irfan Khan, the informant implicated the appellant in false and fabricated case.

The informant is a Ward Secretary and the appellant in the morning of same day occurrence lodged a case against the Mukhiya and it appears to be reason for his false implication. The provisions of SC/ST Act do not attract *prima facie*.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated order dated 12.08.2021 passed by the learned Special Judge, SC/ST Act, Gaya in A.B.P. No. 2047 of 2021, arising out of Maigra P.S. Case No. 6 of 2020 is set aside.



Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned learned Special Judge, SC/ST Act, Gaya in connection with Maigra P.S. Case No. 6 of 2020.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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