

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4048 of 2021

Arising Out of PS. Case No.-192 Year-2021 Thana- PATNA CITY CHOWK District- Patna

1. BRAJESH KUMAR S/o LATE RAMGATI SINGH R/o PROGRESSIVE COLONY, P.S-AGAMKUAN, DISTRICT-PATNA.
2. ALOK RANJAN @ SONU S/o SRI JAGESHWAR SINGH R/o MOHALLA-6 M F 7/236 BAHADURPUR HOUSING COLONY, BAHADURPUR, BHUTHNATH ROAD, P.S-AGAMKUAN, DISTRICT-PATNA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Suraj Choudhary, son of Jagdish Choudhary, Mohalla Dundi Bazar, P.S. Chowk Distt. Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rajesh Kumar Mr. Lakshimi Kant Sharma
For the Respondent/s	:	Mr. Binay Krishna Mr. Alok Ranjan Mr. Chhote Lal Mishra

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

ORAL ORDER

4 11-08-2022 Heard learned counsel for the appellants as well as the learned counsel for the informant.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 16.09.2021, passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna, in connection with Patna City Chowk P.S. Case No. 192 of 2021, registered for the offences punishable under Sections 341, 323, 504 and 506/34 of the Indian Penal



Code and Section 3(1)(s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

The informant was the staff of the appellants and he was working in Utsav Hall of the appellants. The allegation is that when the informant demanded his wages, the appellants abused him in filthy word by calling his caste name and also assaulted him by fists and slaps. It has also been mentioned in the FIR that the appellants made allegation against the informant that he always remains in intoxicated condition.

Learned counsel for the appellants has submitted that there was some dispute between the co-proprietors of that Utsav Hall and appellant no.1 had lodged a case against the co-proprietors of that Utsav Hall which was registered as Ramkrishna Nagar P.S.Case No. 237 of 2021. After lodging that case, at the behest of the partner of appellant no.1, the present case has been lodged after eight days of that case. He has submitted further that the dispute is between the employer and employee in respect of the wages and the occurrence cannot be said to have taken place due to malicious feeling of caste.

From bare perusal of the FIR as well as the FIR lodged as Ramkrishna Nagar P.S.Case No. 237 of 2021, it



appears that the present case has been lodged due to the fact that the appellants did not pay the wages of the informant. The provision of SC/ST Act does not attract *prima facie*.

Considering the facts and circumstances, the appeal is allowed and the impugned order dated 16.09.2021 is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna in connection with Patna City Chowk P.S.Case No. 192 of 2021 (Special Case No. 176 of 2021).

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

(Nawneet Kumar Pandey, J)

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