

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4360 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- SC/ST District- Munger

RAJESH RANJAN S/o not known The then Circle Officer, Katihar, R/o
village- Harishpur, Near Hanuman Mandir, P.S.- Pirpainti, District- Bhagalpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indu Bhushan, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 18.09.2021 in A.B.P. No. 1036 of 2021 passed by the learned Additional Sessions Judge-I, Munger in connection with S.C./S.T. P.S. Case No. 23 of 2021 registered for the offences punishable under Sections 120(B), 147, 149, 167, 323, 447, 467, 468, 471, 504 and 506 of the Indian Penal Code as well as Sections 3(1)(R)(s) 2(v)(va) of the SC/ST Act.

Learned counsel for the appellant submits that in the F.I.R. it is alleged that appellant is C.O. and had issued *parcha*



in conspiracy in name of co-accused persons on which informant, a member of the S.T., is residing, further alleges that when the informant complained about the issuance of *parcha*, the accused persons came and abused her by her caste name at her door.

Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case, it is next submitted that he is a Circle Officer and had issued *parcha* in pursuance of the document which was produced before him, it is further submitted that if the informant was aggrieved by the action of Circle Officer (appellant) then she had remedy of appeal and could have even complained to the superior authority but resorting to criminal proceeding is clearly an abuse of the process of the Court. Learned counsel submits that as far as allegation of abusing the informant is concerned, the same was not in public view and it is also not alleged that appellant was present at her door when the alleged abuse was hurled.

Learned Spl. P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the appellant but are not able to meet the submissions of the learned counsel for the appellant that in the nature of allegation no



prima-facie offence under the S.C./S.T. act is made out against the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 18.09.2021 in A.B.A. No. 1036 of 2021 passed by the learned Additional Sessions Judge-I, Munger in connection with S.C./S.T. P.S. Case No. 23 of 2021 is hereby set aside and the appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with S.C./S.T. P.S. Case No. 23 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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