

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4404 of 2021**

Arising Out of PS. Case No.-166 Year-2021 Thana- ISUAPUR District- Saran

MITHILESH KUMAR SINGH Son of Virendra Singh Resident of Village-
Bhakura, P.S.- Baniyapur, District- Saran (Chapra).

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Chaudhry S.H.O., P.S.-Isuapur, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sachida Nand Rai
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 19-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual Court
proceedings.

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 for bail vide order
dated 11.10.2021 passed by learned 1stAdditional Sessions
Judge cum Special Judge (SC/ST Act), Saran at Chapra in
connection with Isuapur P.S. Case No. 166 of 2021 registered
under Sections 341, 323, 447, 504, 353 & 506 of the Indian
Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



The allegation against the appellant is that he went to police station and put pressure to release a person, who was arrested on the allegation of selling and drinking wine and when the informant forbade him not to do so, he is said to have slated him in his caste name and torn some official files.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. Appellant has been falsely implicated in the case. As a matter of fact, the appellant went to police station to acknowledge the arrest of his brother. Appellant also made protest along with his villagers against the informant's atrocities. To save skin from the action of the superior officer, the informant has lodged this false and frivolous case against him on a concocted story. Slating the informant in the name of caste is said to have been made at the police station and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has been languishing in custody since 22.08.2021.

Heard learned counsel for the appellant and perused the case record. *Prima facie*, no offence under SC/ST Act is made out against the appellant, hence there is no need to issue notice to the informant.



Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released 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 the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Isuapur P.S. Case No.166 of 2021.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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