

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4951 of 2021

Arising Out of PS. Case No.-285 Year-2021 Thana- BIKRAM District- Patna

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1. ALOK KUMAR @ ALOK SINGH S/o Late Bijendra Sharma R/o village- Barichak, P.S.- Dulhin Bazar, Distt.- Patna
 2. Anjay Kumar S/o Late Bijendra Sharma R/o village- Barichak, P.S.- Dulhin Bazar, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Niranjana Paswan S/o Sri Ramawatar Paswan R/o village- Rahi, P.O.- Rahi, P.S.- Bikram, District- Patna

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

3 23-08-2022 Heard learned counsel for the appellants as well as 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 appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 06.12.2021 in connection with Bikram P.S.Case No. 285 of 2021/Special Case No. 347/2021, registered for the offences punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code



and Sections 3(i)(r) (s) 3(2) (va) of the SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the appellant no.1 abused the informant by calling his caste name and his younger brother along with four accused persons ousted the informant from the workshop. It is further alleged that appellant no.1 snatched Rs. 3000/- from the pocket of the informant.

Learned counsel for the appellants has submitted that appellant no.1 was Manager in Hero workshop and the informant was an employee of that workshop working under appellant no.1. As a matter of fact, the informant used to demand money from the customers and when appellant no.1 prohibited him, he falsely implicated the appellants. He has submitted further that in the present case, the provision of SC/ST Act is not applicable as the occurrence did not take place due to malicious feeling of caste.

On the other hand, learned counsel for the informant has opposed the prayer for bail. He has submitted that the accused persons including the appellants misbehaved with the informant and also abused him by calling his caste name.

The informant was working under appellant no.1 in



Hero workshop, as such, it cannot be said that the occurrence took place due to malicious feeling of caste.

Considering the facts and circumstances, especially the clean antecedent of the appellants, the appeal is allowed and the impugned order dated 06.12.2021 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 Special Judge, SC/ST Patna in connection with Bikram P.S.Case No. 285 of 2021/Special Case No. 347/2021

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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