

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5668 of 2019

Arising Out of PS. Case No.-31 Year-2017 Thana- SC/ST District- Bhagalpur

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GOPAL RAI Son of Bishwanath Rai Resident of Village - Aadarsh Nagar,
P.S. - Sultanganj, Dist.- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mritunjay Prasad Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-01-2022 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
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
18.11.2019, passed by learned IIIrd Additional District and
Sessions Judge-cum- Spl. Judge, Bhagalpur, in connection with
Bhagalpur SC/ST P.S. Case No.31 of 2017, registered under
sections 447, 341, 323, 504, 506, 379, 34 of the IPC and
sections 3(1)(R), 3(2)(Va) of the SC and ST Act.

Allegation against the appellant is of abusing by taking
caste name and assaulting the informant and his family



members at his house. Further allegation is that he snatched the gold chain of informant's wife and when the informant wanted to pacify the matter, he was slapped by the appellant.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case due to dirty village politics and oblique motive. There is general and omnibus allegation against the appellant and other accused persons. The informant has compromised the case from the other three co-accused. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The injury report shows the injury as simple in nature. Appellant has no criminal antecedent, as also mention in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation against the appellant of abusing the informant and his family members.

From perusal of the prosecution case, it appears that no SC/ST Act is applicable against the appellants as the occurrence



has not taken place in public view, hence, there is no requirement of issuing notice upon the informant in this case, which is otherwise required in a case under the SC/ST Act.

Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned IIIrd Additional District and Sessions Judge-cum- Spl. Judge, Bhagalpur, in connection with Bhagalpur SC/ST P.S. Case No.31 of 2017, subject to the conditions as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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