

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.221 of 2023

Arising Out of PS. Case No.-409 Year-2022 Thana- NOKHA District- Rohtas

PUSHYAMITRA Son of Late Nageshwar Singh Resident of Village- Mahapur, P.S.- Nokha, District- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Arbind Kumar Raman Son of Lalan Ram Resident of Village- Kanchan Nagar, P.S.- Bhabhua, District- Rohtas. At present- Junior Engineer, Electricity Department, Nokha

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jai Prakash Singh, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. Public Prosecutor
for the respondent no.2		Mr Kumar Sunil, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-05-2023 Heard learned counsel for the appellant, the State and the respondent no.2.

This appeal has been filed for setting aside order dated 5.12.2022, passed in a case registered for the offence punishable under sections 353,504,506 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per the prosecution case, appellant is alleged to have abused the informant by caste name on phone and threatened him of dire consequences.

Learned counsel appearing for the appellant submits that it is not the case of the informant that any member of the public was present at the time of the incident, as such, no case under SC/ST Act is made out. As a matter of fact, due to



disconnection of electric connection, appellant quarreled with the informant Appellant claims clean antecedent.

Counsel for the State and the respondent no.2 oppose the prayer for bail.

Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 17 cum Special Judge, SC/ST Act Rohtas at Sasaram in Nokha Police Station Case No. 409 of 2022.

(Prabhat Kumar Singh, J)

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