

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.395 of 2023

Arising Out of PS. Case No.-362 Year-2022 Thana- TARAIYA District- Saran

PAWAN SINGH @ PAWAN KUMAR SINGH SON OF SHRI BINESH SINGH @ BINESH KUMAR SINGH RESIDENT OF VILLAGE- HARPUR FARIDAN, P.O.- DUMARI, P.S.- TARAIYAN IN THE DISTRICT OF SARAN AT CHAPRA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyendra Narayan Singh
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellant, learned counsel for the respondent no.2 and learned Special Public Prosecutor 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 22.12.2022 passed by learned Additional District and Session Judge, 3rd cum Special Judge, SC/ST Act Saran at Chapra in connection with Taraiya P.S. Case No.362 of 2022, registered under Sections 341, 323, 354, 385, 504, 506, 34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the appellant went to the house of the informant and threatened to kill her husband if he will not drop the case earlier filed by him. It is alleged that the appellant again went to the house of the informant and abused her and pushed her as a result of which she fell down.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to enmity and grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has two criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail. Learned counsel for the respondent no.2 submits that the appellant has



suppressed his criminal history as he has more than two criminal antecedent.

In the facts and circumstances of the case, let the above named 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 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 Additional District and Session Judge, 3rd cum Special Judge, SC/ST Act Saran at Chapra in connection with Taraiya P.S. Case No.362 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

However, learned Court below is directed to verify the criminal antecedent of the appellant before accepting his bail bond. If the appellant has more than two criminal antecedent, his bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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