

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.598 of 2023**

Arising Out of PS. Case No.-397 Year-2022 Thana- DANAPUR District- Patna

Raja Kumar @ Tabrez Ahmed Niyazee Son Of Late Niyaz Khan @ Md.  
Niauzuddin R/O Mohalla- Anand Bazar, P.S.- Danapur, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Shweta Kumari D/O Upendra Paswan R/O Mohalla- Anand Bazari, P.O.  
And P.S.- Danapur, Distt.- Patna

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Madhukar Anand  
For the Respondent/s : Ms. Usha Kumari 1

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

4      11-10-2023                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. Though *vakalatnama* is being filed on behalf of  
respondent no. 2. Nobody appears on behalf of respondent no. 2.

3. 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 09.12.2022 passed by learned Special Judge  
(SC& ST Act) Patna, in connection with Danapur P.S. Case No.  
397 of 2022 registered under Sections 447, 448, 341, 323, 354,  
307, 504, 506 & 34 of the Indian Penal Code and Section 3(i)(r)



(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in short, is that accused Ashok Tikedar told the informant to work in filthy language to the informant and also hurled abuses to the informant. When the informant refused, the accused persons including the appellant assaulted the informant and her mother.

5. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is no specific overt act against the appellant. Similarly situated co-accused have been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 10.11.2022, 10.11.2022 and 17.11.2022 passed in Cr. Appeal (SJ) No. 3062 of 2022, Cr. Appeal (SJ) 3174 of 2022 and Cr. Appeal (SJ) No. 2952 of 2022 respectively. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering 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 enlarged 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 learned Special Judge (SC& ST Act) Patna, in connection with Danapur P.S. Case No. 397 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

anand/-

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