

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.712 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- LODIPUR District- Bhagalpur

Tinku Kumar @ Ravi Kumar @ Ravi Choudhary Son Of Sri Karu Choudhary
Resident Of Village- Pasi Tola, Ishachak, P.S.- Ishakchak, District- Bhagalpur
... .. Appellant/s

Versus

1. The State of Bihar
2. Kailash Choudhary Son of Late Hari Choudhary Resident of Village-
Sarmaspur, P.S.- Lodipur, District- Bhagalpur
... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In view of the earlier order dated 03.05.2023, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on his behalf.

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 bail vide order dated 17.12.2022, passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST), Bhagalpur in connection with Lodipur P.S. Case No. 231 of 2022, registered under Sections 147, 149, 341, 323, 324,



307 of the IPC and Sections 3(i) (r)/3(1)(s) of SC/ST Act.

The appellant along with other accused persons are said to have assaulted the informant and his family members by means of Hasua and lathi-danda. They also abused him by taking caste name.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that the appellant himself belongs to SC/ST category, therefore, no offence under SC/ST Act is made out against him. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is case and counter case between the parties and both side have sustained grievous injury. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

However, learned Special P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that both sides have sustained grievous injury, 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 the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Lodipur P.S. Case No. 231 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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