

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.860 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- MEHSI District- East Champaran

Ashok Rai @ Ashok Kumar Yadav S/O Bilas Rai @ Ram Bilas Rai R/V-
Kothia Hariram Tola Kankatti (wrongly Mentioned In The Fir As Village
Kothia Tola Amawa), P.S.- Mehsi, District- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lal Mohan Ram S/O Not Known R/O- Chakiya Altf, P.S.- Mehsi, District-
East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Patanjali Rishi
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor.

2. Office has pointed out that the notice has been
validly served upon respondent no. 2, but nobody appeared on
behalf of the respondent no. 2. As respondent no. 2 is police
personnel, he is represented by the Spl.P.P.

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 06.01.2023 passed by learned Special Court,
SC/ST, East Champaran, in connection with Mehsi P.S. Case
No. 157 of 2022 registered under Sections 147, 148, 149, 341,



323, 342, 186, 332, 333, 325, 326, 337, 338, 307, 353, 354B, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

4. The informant who is police officer, on secret information, he along with other police personnel went to Bhimalpur village and when they reached near the village, they saw co-accused Nandu Rai fleeing away after throwing the Plastic Gallon and on inspection chulai liquor was seized from the plastic gallon. It is further alleged that in the meantime about 50-100 persons of the locality came there and assaulted the informant and other police personnel and also threatened the informant to kill. They also abused the accused by taking his caste name.

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. 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 Court, SC/ST, East Champaran, in connection with Mehsi P.S. Case No. 157 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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