

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.901 of 2023

Arising Out of PS. Case No.-831 Year-2022 Thana- ALAMGANJ District- Patna

Ram Kishore Gupta @ Ram Kishore Prasad S/O Late Ram Chandra Sao @
Ram Chandra Sah R/O - Meena Bazar, P.S.- Alamganj, P.O- Gulzarbagh,
Distt- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Choudhary W/o Deena Nath Choudhary R/o Purvi Nand Gola Gola
Madho Mill, P.S.-Malsalami, Distt- Patna. At present Shah Colony, Meena
Bazar, Gulzarbagh, P.S.- Alamganj, Distt- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amit Kumar Jha
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellant 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 27.01.2023 passed by learned Exclusive
Special Court, SC/ST Act, Patna, in connection with Alamganj
P.S. Case No. 831 of 2022 registered under Sections 341, 323,
504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Learned Spl. PP for the State, in compliance of order dated 22.03.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

As per the prosecution case, the appellant is the owner of the Sewa Kirana, which is situated near the shop of the informant. The appellant along with other staffs of the shop has assaulted the informant, her husband and mother.

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. He submits that there is case and counter case between the parties. He submits that the appellants has also sustained injuries. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is no allegation against the appellant of abusing the informant taking caste name, 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 Exclusive Special Court, SC/ST Act, Patna, in connection with Alamganj P.S. Case No. 831 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.

(Anjani Kumar Sharan, J)

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