

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1938 of 2021**

Arising Out of PS. Case No.-183 Year-2020 Thana- JADOPUR District- Gopalganj

RAJAN KUMAR @ RAJAN KUMAR SINGH SON OF BIRBAHADUR
SINGH R/O VILLAGE- JADOPUR SHUKUL, P.S.- JADOPUR, DISTRICT-
GOPALGANJ.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Sharma Late Jay Kishun Sharma Resident of village-Jadopur Sukul,
P.S. Jadopur, District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Harendra Prasad
For the Respondent/s	:	Mrs. Usha Kumari I Mr. Ranjeet Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 Heard the parties.

Learned counsel for the appellant undertakes to remove
the defects within four weeks.

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
08.010.2021 passed by learned learned 1st Additional Sessions
Judge, Gopalganj in connection with Jadopur P.S. Case No.183
of 2020, registered under Sections 341. 323, 324, 325, 307, 354,
509/34 of the Indian Penal Code and Section 3(i) (r) (s)/3(2)(va)
of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Allegedly, the appellant abused the daughter of informant in filthy language. It is further alleged that the informant reached on the door of the appellant and complaint about the matter, then the appellant and other co-accused persons abused them by taking caste name and also assaulted them by means of several weapons.

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 as he happens to be witness in a case lodged against the son of the informant. 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 at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is no allegation against the appellant to abuse the informant by taking his caste name which is clear from the FIR itself. There is a case and counter-case between the parties and both sides have sustained injuries. The injuries are found to be



simple in nature. Appellant has no 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.

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 1st Additional Sessions Judge, Gopalganj in connection with Jadopur P.S. Case No.183 of 2020, 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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