

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1209 of 2023**

Arising Out of PS. Case No.-23 Year-2022 Thana- SC/ST District- Banka

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1. ARVIND KUMAR @ ARVIND KUMAR PANDEY SON OF MUSAFIR PANDEY RESIDENT OF VILLAGE - BHARKURIA, P.O. - SAKIA BAZAR BHARKURIYA, P.S. - KARAKAT, DISTT. - ROHTAS.
 2. ASHWINI KUMAR JHA @ ASHWANI JHA SON OF SURESHWAR JHA RESIDENT OF VILLAGE - BHOLI BABA ASHRAM ROAD, P.O. - BOUNSI, P.S. - BAUSI, DISTT. - BANKA
- Appellants.

Versus

1. The State of Bihar
 2. Khusboo Bharti Daughter of Kamta Ram R/o vill- Gosaidih P.S. Tandawa Dist Aurangabad at present Rajaun Block P.S Rajaun Dist Banka
- Respondents.

Appearance :

For the Appellant/s : Mr. Shashwat Pratyush, Advocate
For the Respondent/s : Mrs. Usha Kumari-1, Special P.P.

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

7 29-11-2023 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State

has informed that in compliance of the order dated 20.09.2023,
she has informed the informant but none is present on her
behalf.

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 07.02.2023 passed by learned 1st Additional



Sessions Judge, Banka in connection with Banka SC/ST P.S. Case No. 23 of 2022 registered under Sections 341, 323, 354B, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Opposite party no.2 is a Forest Guard and while she was regressing to her home, the appellants are said to have misbehaved and slated her in the name of caste.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. 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 appellants. It is further submitted that the instant case has been instituted by the informant out of vengeance because the appellant no.1 has written a letter to the Range Officer complaining against her official work and the Range Officer issued a show cause to the informant. It is further submitted that after five days of receipt of the show cause, the present false and fabricated case has been lodged against the appellants. It is further submitted that after investigation, the police has submitted final form but the learned



Court below took cognizance against the appellants. Appellants have no criminal antecedent.

6. Learned Spl. PP for the State vehemently opposing the prayer for bail submitted that as cognizance has already been taken by the learned Court, the anticipatory bail application is not maintainable before this Court in view of the judgment passed by the Hon'ble Supreme Court in the case of **Bachu Das Vs. State of Bihar and others** reported in (2014) 3 Supreme Court Cases 471 and in the case of **Prathvi Raj Chauhan** reported in (2020) 4 Supreme Court Cases 727.

7. Considering the facts and circumstances of the case and the verdict of the Hon'ble Supreme Court in the case of **Bachu Das (supra)** and **Prathvi Raj Chauhan (supra)**, I am not inclined to enlarge the appellants on bail. The prayer for bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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