

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2232 of 2021**

Arising Out of PS. Case No.-183 Year-2020 Thana- SAKRA District- Muzaffarpur

SUDHIR KUMAR Son of Brahamdeo Sah Resident of Village - Tekrari, P.S.-
Patepur, Distt.- Vaishali.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sabita Devi Vishwanath Das Resident of village- Sambha Gopalpur, P.S.-
Sakara, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Hans Lal Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Rajeev Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-02-2023 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Spl.P.P. for the State.

This is an appeal under section 14A(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 for anticipatory bail vide order dated 28.01.2021, passed by learned A.D.J.-cum-Special Judge SC/ST Act, Muzaffarpur, in connection with Sakra P.S. Case No.183 of 2020, registered u/s 341, 323, 379, 504, 506, 354(B) of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

As per the prosecution case, the informant got admitted in Sai Nursing Home and got operated, which was not successful



and later she made an agreement with a compounder of the Hospital to bear all the medical expenses and recovery within 90 days but they denied every expenses and on 14.05.2020, when she asked for help, she was beaten, abused and was made half naked by the administration.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is stated that appellant no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against the appellant to abuse the informant by taking caste name. In this regard, learned counsel has relied upon the judgment of the Apex Court in the case of **Jacob Mathew vs. The State of Punjab and Anr.** as reported in **(2005) 6 SCC 1**. Appellant has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case and the judgment of the Apex Court in the case of **Jacob (supra)**, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six



weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-cum-Special Judge SC/ST Act, Muzaffarpur, in connection with Sakra 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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