

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1340 of 2022**

Arising Out of PS. Case No.-166 Year-2021 Thana- JANTA BAZAR District- Saran

Rajesh Srivastav W/O Late Baban Prasad Srivastava Resident Of Village -  
Chakdah, P.S. - Janta Bazar, District - Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Harendra Sah Son of not known Revenew Clerk, Anchal office- Lahladpur,  
P.S.- Janta Bazar, District - Saran at Chapra.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Nawal Kishore Singh  
For the Respondent/s : Mr.Sadanand Paswan

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

3      15-03-2023                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order dated 15.02.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 01.04.2022 passed by learned 3<sup>rd</sup> A.D.J. cum Special Court SC/ST, Saran at Chapra, in connection with A.B.P. No. 893 of 2022 arising out of Janta Bazar P.S. Case No.



166 of 2021 registered under Sections 353, 427, 504 and 506/34 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.

As per prosecution case, the informant alleged that the appellant had torn some official papers and abuses calling his caste name and threatened to kill him.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste therefore, no offence under Section SC/ST Act is made out against the appellant. Similarly situated co-accused, has been enlarged on bail by a co-ordinate bench of this court vide order dated 10.02.2023 passed in Cr. Appeal (SJ) No. 1658 of 2022. Appellant has got one criminal 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 similarly situated co-accused has been granted bail, 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 3<sup>rd</sup> A.D.J. cum Special Court SC/ST, Saran at Chapra, in connection with A.B.P. No. 893 of 2022 arising out of Janta Bazar P.S. Case No. 166 of 2021, 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)**

anand/-

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