

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1397 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

Neeraj Kumar Singh @ Bablu Singh Son of Late Bhupendra Bahadur Singh
R/o Village Badhauna P.O. Badhauna P.S. Chainpur District Kaimur at
Bhabhua.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In view of the earlier order dated 23.11.2022, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on his behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 29.03.2022, passed by learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Kaimur at Bhabhua in connection with Chainpur P.S. Case No.199 of 2021, registered



under Sections 341, 323, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(ii), 13(2)(va) of the SC/ST Act.

It is alleged in the FIR that on the alleged date and time, the informant, who is a technician in Indus Tower Limited Company received information that the mobile network from the tower located on the land belonging to the appellant was not functioning properly. To rectify the same, the informant visited the alleged location and found that the mobile networks were deliberately blocked by manually switching off the tower. It is also alleged that on the previous occasion as well, the appellant, after getting in connivance with other persons who rented their land for mobile towers, interfered in the functioning of the mobile networks with a view to demand money from Telecom company technicians. It is alleged that the appellant threatened and abuse the informant for the reason that he belongs to SC/ST community.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got one criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that no specific overt act is alleged against the appellant. The allegation against the



appellant is general and omnibus. It is also submitted that the appellant has not abused the informant by naming his caste.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellant.

Having considered the facts aforesaid, let appellant, above named, 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 learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Kaimur at Bhabhua in connection with Chainpur P.S. Case No.199 of 2021, subject to the conditions 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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