

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1845 of 2023**

Arising Out of PS. Case No.-912 Year-2022 Thana- SIKARPUR District- West Champaran

VICKY KUMAR Son of Virendra Rai Resident of village - Satwariya, Ward
No.- 11, Police Station - Shikarpur, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pratima Devi Wife of Gorakh Ram Resident of Village - Maheshpur, Police
Station - Shikarpur, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Milind Kumar Mishra
For the Respondent/s : Mr.Usha Kumari 1

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

3 28-06-2023 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 03.05.2023, 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 27.02.2023 passed by learned Additional
District and Sessions Judge 1st-cum-Special Judge (SC&ST),
Bettiah, West Champaran, in connection with Shikarpur P.S.



Case No. 912 of 2022 registered under Sections 341, 323, 307, 354(B), 379, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per the prosecution case, all the FIR named accused persons are said to have abused and assaulted the informant.

Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. 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 appellant. He submits that eight persons have been named in the FIR but the appellant is not named in the FIR. During the course of investigation the independent witness has stated that the appellant has abused the son of the informant by taking his caste name and also assaulted him, thereafter, the appellant is made accused in the present case. Appellant has got no 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,



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 Additional District and Sessions Judge 1st-cum-Special Judge (SC&ST), Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 912 of 2022, 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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