

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2085 of 2023**

Arising Out of PS. Case No.-26 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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MASARRAF @ MUSHARAFF KHAN S/o- Md. Asad @ Asad Khan
Village- Pataniya, Ps- Biraoul, Dist- Darbhanga

... .. Appellant

Versus

1. The State of Bihar
2. Prashant Kumar son of Vijay Kumar Paswan Village- Rampur Raut Ps-
Kusheshwarsthan Dist- Darbhanga

... .. Respondents

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Appearance :

For the Appellant	:	Mr.Girish Chandra Jha, Advocate
For the State	:	Ms/Mrs. Usha Kumari 1, Spl. Public Prosecutor
for respondent no.2	:	Mr. RK Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-09-2023 Heard learned counsel for the appellant, the State and
respondent no.2.

2. This appeal has been filed for setting aside order dated 23.3.2023, passed in a case registered for the offence punishable under sections 341,323, 467, 420/34 and other allied sections of the IPC and sections 3(i)(r)(s)/3(r)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, this appellant and other accused persons abused the informant by caste name and they ill



behaved with him and also tried to snatch his I card.

4. Learned counsel appearing for the appellant submits that the appellant is registered reporter of Youtube channel and used to expose nexus between local police and print media engaged in liquor trade and due to this reason, he has erroneously been roped in the present case. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Moreover, there is general and omnibus allegation of having abused and assaulted respondent, and no specific overt act has been alleged against the appellant. Appellant claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge III cum Exclusive Special Judge, SC/ST Act, Darbhanga in Kusheshwar



Asthan Police Station Case No. 26 of 2023.

(Prabhat Kumar Singh, J)

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