

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2109 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- SUPPI District- Sitamarhi

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1. Ganga Singh Son Of Late Dinkar Singh Resident Of Village- Narha, Ps- Suppi, Distt- Sitamarhi
 2. Baua Singh @ Navratna Bibhakar Son Of Ganga Singh Resident Of Village- Narha, Ps- Suppi, Distt- Sitamarhi
 3. Babul Singh @ Babul Kumar Son Of Pramod Singh @ Pramod Kumar Resident Of Village- Narha, Ps- Suppi, Distt- Sitamarhi
 4. Rakesh Kumar Singh Son Of Jagarnath Singh Resident Of Village- Chhatauni, Ps- Tariyani, Distt- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Azad Pawan Son Of Indal Paswan Mines Inspector , Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 10.05.2023, informed the informant/complainant.

Nobody appeared on behalf of the informant/complainant.

3. 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 24.03.2023 passed by learned 1st Additional



District Judge-cum-Special Judge SC/ST POA Act, Sitamarhi, in connection with Suppi P.S. Case No. 44 of 2023 registered under Sections 353, 307, 504/34 of the Indian Penal Code and Section 2(iii)/ 3(1)(iii)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants along with other accused persons are said to have assaulted and abused the informant by taking his caste name.

5. Learned counsel for the appellants submits that the appellants have no 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 appellants. He submits that there is no specific overt act against the appellants. He further submits that there is case and counter case between the parties. Appellants no. 1 and 2 have three criminal antecedents, appellant no. 3 has one criminal antecedent and appellant no. 4 has no criminal antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

7. Considering the facts and circumstances of the



case, let the above named appellants no. 1, 3 and 4, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District Judge-cum-Special Judge SC/ST POA Act, Sitamarhi, in connection with Suppi P.S. Case No. 44 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Considering the facts and circumstances of case and the fact that there is specific allegation against the appellant no. 2 of abusing the informant by taking his caste name, I am not inclined to enlarge appellant no.2 on anticipatory bail. The prayer for anticipatory bail of the appellant no. 2 is hereby rejected.

9. Accordingly, the impugned order is set aside and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

anand/-

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