

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2176 of 2023**

Arising Out of PS. Case No.-46 Year-2015 Thana- SC/ST District- Sitamarhi

RAJIV KUMAR son of Sita RAm Singh Village po- Ratanpur Ps- Bariyarpur
Dist- Munger, Presently- Assistant Electrical Officer, Electric Supply
Division, Biharsharif

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bigan Baita son of Late Ramyaad Baita R/o- P. Bairagniya Ward no-1,
Sindariya Ps- Bairganiya Dist- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anjani Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 15-12-2023 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the rejection of prayer for anticipatory
bail vide order dated 13.02.2023 passed by the learned 1st
Additional Sessions Judge cum Special of SC/ST (POA) Act,
Sitamarhi in A.B.P. No. 228 of 2023 arising out of Sitamarhi
SC/ST P.S. Case No. 46 of 2015 dated 04.08.2015 registered for
the offence/s punishable u/ss 323, 504, 506 read with section 34
of the Indian Penal Code and 3(1)(x) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellant along with the other co-accused persons was forcibly hanging open electric wire of 11000 volts from the middle of the courtyard of the informant. On protest, all the accused persons abused him by calling his caste name and demanded Rs. 50,000/- for removing the said open electric wire.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is the Assistant Electrical Engineer. The final form has already been submitted. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. The said incident took place inside the house and no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of



the case, the impugned order dated 13.02.2023 passed by the learned 1st Additional Sessions Judge cum Special of SC/ST (POA) Act, Sitamarhi in A.B.P. No. 228 of 2023 arising out of Sitamarhi SC/ST P.S. Case No. 46 of 2015, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Sitamarhi in A.B.P. No. 228 of 2023 arising out of Sitamarhi SC/ST P.S. Case No. 46 of 2015, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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