

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1800 of 2022**

Arising Out of PS. Case No.-185 Year-2021 Thana- NAVINAGAR District- Aurangabad

ASHRAFI DUBEY S/o Late Shyam Nandan Dubey Resident of Village -
Garakhurd, P.S. - Kandi, District - Garhwa (Jharkhand).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. VIKASH KUMAR S/o Dinesh Kumar Resident of Village - Annadua, P.S. -
Nabinagar, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Krishna Prasad Singh, Sr. Adv. Mr.Bhaskar Shankar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.

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

3 26-07-2023 Heard learned Senior Counsel for the appellant and
learned Special Public Prosecutor for the State.

2. In compliance of the order of this Court, informant was
informed about his appearance in this appeal by the learned
Spl.P.P. for the State but nobody appears on his behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
27.04.2022, passed by learned 1st Additional Sessions Judge-
cum- Special Judge, SC/ST, Aurangabad, in connection with
Nabinagar P.S. Case No.185/2021, registered u/s 384, 420, 323,



341, 504 of IPC and 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

4. As per the prosecution case, a Tractor loaded with sand was seized during the course of storing sand near the house of the informant and brother of the informant was taken to the police station. The appellant demanded money for helping him in connection with Nabinagar P.S. Case No.173/2021 and brother of the informant gave Rs.3000 and 2000 to the appellant. It is further alleged that the appellant abused the brother of the informant and his mother.

5. It is submitted by learned Senior Counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation against the appellant to abuse the informant by taking caste name. It is further submitted that earlier the appellant has filed a case against the informant vide Nabinagar P.S. Case No.173/2021 dated 20.07.2021, thereafter, the present case has been lodged by the informant. Appellant has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.



7. Considering the facts and circumstances of the case, since there is no specific overt act against the appellant to abuse the informant by taking caste name, let the appellant named above, 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/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Aurangabad, in connection with Nabinagar P.S. Case No.185/2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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