

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1806 of 2022**

Arising Out of PS. Case No.-294 Year-2021 Thana- MAHNAR District- Vaishali

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ALOK KUMAR SINGH @ ALOK SINGH S/o Late Ashok Singh Resident of
Village - Harpur Fatikwara, P.S. - Mahnar, District - Vaishali.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

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

5 18-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Despite information given by learned Special P.P. for
the State regarding hearing of the case, none appears on behalf
of the informant today.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’)
against the refusal of prayer of anticipatory bail vide order dated
09.03.2022, passed by learned Special Judge, S.C./S.T., Vaishali
at Hajipur in connection with Mahnar P.S. Case No.294 of 2021,
registered under Sections 341, 504, 427 of the Indian Penal
Code and Sections 3(r)(s)(v) of the SC/ST Act.

According to the FIR, the informant has alleged that



on 13.09.2021 at 4.35 P.M., while he alongwith his wife was returning from the school to his home, the appellant broke the glass of his car and abused him by naming his caste.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the occurrence took place on 13.09.2021, but the FIR was lodged on 22.09.2021 after delay of nine days without giving any explanation which creates a serious doubt on the veracity of the prosecution case.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant by submitting that there is specific allegation against the appellant that he abused the informant by naming his caste.

Considering the fact that the FIR was lodged after nine days of the occurrence, let appellant, above named, 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/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Vaishali at Hajipur



in connection with Mahnar P.S. Case No.294 of 2021, subject to
the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

S.KUMAR/-

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