

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2299 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- TAJPUR District- Samastipur

RAJU KUMAR RANJAN S/O SHANKAR SAH R/O Village- Bayarpur, P.S-
Tajpur (Halai O.P), Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Paswan S/O Madan Paswan R/O Village- Hanumannagar (Benipur),
P.S- Bahera, Distt.- Darbhanga Presently posted as Junior Electric Engineer,
Electric Supply Division, Chaklalshahi, P.S- Tajpur (Halai O.P), Distt.-
Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bijay Bhushan Prasad, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Mr. Ajay Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-08-2023 Heard the parties.

2. 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 28.03.2023 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 139 of 2023 registered under Sections 147, 341, 323, 353, 379, 504 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 135 of Bihar



Electricity Act.

3. Allegedly, when the informant along with his staff went at the place of occurrence for inspection regarding electricity theft, all the accused persons started abusing the informant by taking his caste name. On objection, they assaulted the informant and his staff. They also took away all the seized articles from the possession of the informant.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegations levelled against him is false and concocted. He was not present at place of occurrence. Appellant has no concern with co-accused Nanhaki Sah and other co-accused. No person was injured. It is further submitted that from bare perusal of FIR, it is crystal clear that there is no specific overt act against the appellant regarding slating the informant by taking his caste name. Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that



there is specific allegation against the appellant that he along with other co-accused persons are involved in electricity theft. It is further submitted that when the informant along with his staff went for inspection at the place of occurrence, they were abused and assaulted by the accused persons.

6. In the facts and circumstances of the case, as there is no allegation against the appellant regarding slating the informant by taking his caste name, 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 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 the learned Special Judge SC/ST (POA) Act, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 139 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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