

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2333 of 2023

Arising Out of PS. Case No.-62 Year-2022 Thana- SC/ST District- Jehanabad

RAHUL KUMAR @ BHOLA Son of Awadhesh Prasad Resident of Village-
Kurtha Bazar, Dhodha Road, Police Station- Makhdumpur (Tehta OP),
District- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Archana Devi Wife of Ashutosh Kumar Resident of Village- Chak Dhodha,
Kurtha Bazar, Police Station- Makhdumpur, District- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashi Bhushan Kumar Mr. Syed Alamdar Hussain Mr. Syed Asgher Najmi
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard the parties.

2. In compliance of the order dated 30.08.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

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 25.04.2023 passed by learned 1st Additional District Judge cum Special Judge (SC/ST Act), Jehanabad in connection with SC/ST Jehanabad P.S. Case No.62 of 2022,



registered under Sections 341, 323, 354, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s) (w)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that when the informant was going to see her under construction house, the appellant abused her by taking her caste name and also assaulted her by fists and slaps.

5. It is submitted by learned counsel for the appellant that 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. He has been falsely implicated in the case as he happens. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is a previous dispute between the parties. He submits that earlier the friend of the appellant has lodged Makhdumpur P.S. Case No. 319 of 2020 against Bindu Kumari and she has lodged a counter case as Makhdumpur (Tehta O.P) P.S. Case No.320 of 2020 in which the appellant has also been made accused. Bindu Kumari pressurized the appellant to compel his friend to compromise the case but it was not done, therefore, the informant of this case lodged the present



case against the appellant. He further submits that informant has assaulted the appellant and the appellant has sustained one serious injury (Annexure-3 of the bail application). Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case, let 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 1st Additional District Judge cum Special Judge (SC/ST Act), Jehanabad in connection with SC/ST Jehanabad P.S. Case No.62 of 2022, 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)

shikha/-

U		T	
---	--	---	--

