

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2479 of 2023**

Arising Out of PS. Case No.-404 Year-2022 Thana- DARIYAPUR District- Saran

Rahul Sah @ Rahul Kumar Sah @ Rahul Kumar S/O Nagendra Sah R/O  
Village- Gangajal, P.S- Dariyapur, Distt.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/O Shyam Babu Manjhi R/O Village- Srinagar Matihan, P.S-  
Dariyapur, Distt.- Saran.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Deepak Kumar Singh  
For the Respondent/s : Mr. Binay Krishna

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

3      02-08-2023                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of  
order dated 05.07.2023, informed the informant/complainant.  
Nobody appeared on behalf of the informant/complainant.

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 11.07.2022 passed by learned SC/ST/MP/ MLA  
Judge cum Addl. Sessions Judge, 3<sup>rd</sup>, Saran in connection with  
Dariyapur P.S. Case No. 404 of 2022 registered under Sections  
341, 323, 354, 379, 504 and 506/34 of the Indian Penal Code



and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellant along with other co-accused persons is said to have assaulted the informant and her son.

5. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is no specific overt act against the appellant. He further submits that Title Suit No. 123 of 2018 is also pending in the learned Court below. Learned counsel for the appellant relied upon the judgment of Hon'ble Apex Court passed in the case of '**Hitesh Verma vs. State of Uttarakhand and another**' reported in **(2020) 10 SCC 710**'. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

7. Considering the facts and circumstances of the case and the judgment of **Hitesh Verma** (supra), 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 enlarged 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 SC/ST/MP/MLA Judge cum Addl. Sessions Judge, 3<sup>rd</sup>, Saran in connection with Dariyapur P.S. Case No. 404 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)**

anand/-

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