

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2162 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- SC/ST District- Kaimur (Bhabua)

RAMSWARE UPADHYAY Son of Late Biraja Upadhyay Resident of Village
- Morawan, P.S.- Chand, District - Kaimur at Bhabua.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Shyam Sundar Ram Late Bechan Ram R/O Village-Morawan, P.S.-Chand,
District-Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 26-07-2023 Heard learned counsel for the appellant and learned

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

2. 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 09.05.2022, passed by learned Additional District and Sessions Judge-Ist, Kaimur at Bhabua cum Special Judge, SC/ST (POA) Act, Kaimur at Bhabhua, in connection with Bhabua SC/ST P.S. Case No.4 of 2022, registered u/s 341/323/504/506/325/34 of the IPC and sections 3(1)(r)(s)/3(2)(va) of the SC/ST Act.

3. As per the prosecution case, two co-accused persons



abused and pushed the informant. It is alleged that the appellant abused the informant by using caste name.

4. It is submitted by learned 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 stated 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 or assault the informant. It is further submitted that there is an inordinate delay of 8 days in lodging the F.I.R. as the occurrence is said to have taken place on 01.03.2022 but the F.I.R. was lodged on 09.03.2022, without giving any plausible explanation, which itself creates doubt about the prosecution case. The injury was found to be of simple in nature. Appellant has no criminal antecedent.

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

6. Considering the facts and circumstances of the case and the delay in lodging the F.I.R., 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, is directed to 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 Additional District and Sessions Judge-Ist, Kaimur at Bhabua cum Special Judge, SC/ST (POA) Act, Kaimur at Bhabhua, in connection with Bhabua SC/ST P.S. Case No.4 of 2022, 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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