

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2377 of 2022

Arising Out of PS. Case No.-125 Year-2019 Thana- RAFIGANJ District- Aurangabad

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BALMIKI PRAJAPATI Son of Bashant Prajapati Resident of Village -
Kurkuri, P.S.- Rafiganj, District - Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandra Deo Paswan Son of Shudeshwar Paswan Residence of village-
Kurkuri,P.S-Rafiganj,District-Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anil Kumar Sinha, Adv.

For the Respondent/s : Mrs.Usha Kumari No.1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

In view of order dated 23.08.2022, notice was validly
served upon respondent no.2 but nobody appears on his behalf.

This is an appeal under section 14A 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
03.12.2019, passed by learned 1st Additional Sessions Judge-
cum-Special Judge (SC/ST), Aurangabad, in connection with
Rafiganj P.S. Case No.125 of 2019, registered u/s 341, 323, 504,
337, 506/34 of the IPC and 3(1)(r)(s) of the SC/ST Act.



It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against the appellants to have abused the informant. It is submitted that there is case and counter-case between the parties. Appellant has no criminal antecedent and several similarly situated co-accused have been enlarged on anticipatory bail by this Court vide order dated 03.01.2022 passed in Cr. Appeal (SJ) No.5784 of 2019.

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

Considering the facts and circumstances of the case and that there is general and omnibus allegation against the appellant, 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Rafiganj P.S. Case



No.125 of 2019, subject to the condition as laid down under
section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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