

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2342 of 2022**

Arising Out of PS. Case No.-128 Year-2021 Thana- UCHKAGAON District- Gopalganj

Kamlesh Prasad Son Of Late Shivnath Bin Resident Of Village - Gurmha,
P.S.- Uchkagaw, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jaishree Ram Son of Late Chandrama Ram Resident of Village - Nautan Khurdh, P.s.- Uchkagaw, Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yugal Kishore
For the State	:	Mr. Sadanand Paswan
For the Respondent	:	Mr. Prashant Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

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 17.01.2022 passed by learned Addl. Sessions Judge-III-cum-SC/ST Special Court, Gopalganj, in connection with Uchkagaon P.S. Case No. 128 of 2021 registered under Sections 341, 323, 384, 353, 504, 447/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellant along with other accused persons abused and assaulted the informant.

4. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. 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 the appellant was candidate of Mukhiya and on the other hand Manju Devi also contesting the mukhiya election and the present informant was supporter of Manju Devi and under the instruction of Manju Devi the present case was filed with a view to defame the appellant in public view. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for respondent no. 2 opposed payer for bail and submitted that the appellant abuses the respondent no. 2/informant by taking caste name. They also relied upon the judgment of Hon'ble Apex Court in case of *Prathvi Raj Chauhan vs Union Of India* reported in *2020 SCC OnLine SC 159*.

6. Considering the facts and circumstances of case



and the judgment of ***Prathvi Raj*** (supra), I am not inclined to enlarge the appellant on anticipatory bail. The prayer for anticipatory bail of the appellant is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

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

