

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2362 of 2022**

Arising Out of PS. Case No.-5 Year-2022 Thana- SC/ST District- Kaimur (Bhabua)

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BANTI SINGH S/o Ramjee Singh R/o village- Kasthari, P.S.- Durgawati,
District- Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Ram Late Balroop Ram R/o Village-Mansoorpur, Post-Kasthari, P.S.
Durgawati, District-Kaimur at Bhabua

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey
For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Office has pointed out that the notice has been
validly served upon respondent no. 2, but nobody appeared on
behalf of respondent no. 2.

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 10.06.2022 passed by learned Additional
Sessions Judge-1st, Kaimur at Bhabua, in connection with
Bhabua SC/ST Case No. 05 of 2022 registered under Sections



341, 323, 379, 504, 506, 34 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. As per the prosecution case, the informant is pheriwala and use to sell articles related to ladies in the area and it is alleged that when he was going at Sasaram in the fare, he was intercepted by the appellant and other accused persons, who abused him by taking caste name and threatened him not to come again in the area.

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 occurrence took place on 20.03.2022 and the F.I.R. was lodged on 27.03.2022, after delay of seven days and there is no any explanation regarding the delay in filing the present F.I.R., which creates serious doubt on the prosecution case. 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 anticipatory bail.

7. Considering the facts and circumstances of the case



and the argument of the parties, 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 Additional Sessions Judge-1st, Kaimur at Bhabua, in connection with Bhabua SC/ST Case No. 05 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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