

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2796 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- BARACHATTI District- Gaya

ANAND SHARMA @ ANANT KUMAR SHARMA Son of Ram Swaroop
Sharma Resident of village - Erki, P.S. - Mohanpur, Distt. - Gaya

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sushma Kumari D/o Vija Manjhi Resident of vill - Erki, P.S. - Mohanpur,
Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Murad Ashraf , Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the O.P. No. 2	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-08-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 22.05.2023 , passed in a case registered for the offence punishable under section 354(c) of the Indian Penal Code , u/s 67(a) IT Act and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, in the year 2019 this appellant is alleged to have snatched mobile of the informant. Thereafter in the year 2020, this appellant is alleged to have torn



the admit card of the informant and abused her by caste name and thereafter in the year 2021, this appellant is alleged to have posted some obscene videos and photos of the informant on facebook.

4. It is submitted on behalf of the appellant that as a matter of fact there was some friendship between the parties but but when relationship turned sour, this false and concocted case has been lodged against the appellant. There is no evidence on record to show that the video has been uploaded on facebook by this appellant. It is not a case of prosecution that the appellant abused the informant in the presence of public, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Counsel for the parties vehemently oppose the prayer for bail.

6. Considering the nature of accusation, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special



Judge , SC/ST.Spl.Court, Gaya in connection with Barachatti
(Mohanpur) Police Station Case No. 49 of 2023 .

(Prabhat Kumar Singh, J)

Kaushik/-

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

