

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2430 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- NAUBATPUR District- Patna

HALESAR RAM @ SUNIL KUMAR Son of Surendra Ram Resident of
village- Dariyapur, Post Office- Chainpura Dariyapur, P.S.- Naubatpur,
District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Satyendra Mochi Resident of village- Chainpura
Dariyapur, Post office- Chainpura- Dariyapur, P.s- Naubatpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ram Naresh Sharma, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Mrityunjay Kumar, Adv.
		Mr.Ram Ganesh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 4 11-01-2023 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Spl.P.P. for the State.

This is an appeal under section 14A (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 for anticipatory bail vide order dated
07.06.2022, passed by learned Special Judge, SC and ST (POA)
Act, Patna, in connection with Naubatpur SC/ST P.S. Case
No.161 of 2022, registered u/s 341, 323, 448/34 of the IPC and
sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, the FIR named accused persons including the



appellant entered into the house of informant and assaulted her husband and daughter.

It is submitted by learned counsel for the appellant that the appellant is quite 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 this case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against the appellants to have abused the informant and also, the occurrence is said to have taken place inside the house of informant, which does not come in public purview. It is further submitted that in the alleged occurrence, no person has sustained any injury. Appellant has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, let 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 Special Judge, SC and ST (POA) Act, Patna, in connection with Naubatpur SC/ST P.S. Case No.161 of 2022, 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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