

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2875 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- SC/ST District- Begusarai

BRAJESH KUMAR SON OF KRISHNA SINGH RESIDENT OF
VILLAGE- KESHAWE, PS- BARAUNI, (REFINERY OP), DISTT-
BEGUSARAI

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar, Adv.

For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. As per earlier order of this Court, learned Spl.P.P. for the
State informed the informant about his appearance in this case
but nobody appears on his behalf.

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 for anticipatory bail vide order dated
02.06.2023, passed by learned Exclusive Special Judge SC/ST
(POA) Act, Begusarai, in connection with SC/ST P.S. Case
No.42 of 2022, registered under sections 147, 148, 149, 341,
323, 324, 380, 354(B), 427, 504, 506 of the IPC read with 27 of



Arms Act and sections 3(1)(r)(s)/3(2)(va)(w) of the SC/ST Act.

4. Allegedly, the appellant along with other co-accused persons named in the F.I.R. and 30-40 unknown persons came at the house of the informant, abused and assaulted the informant, destroyed his house and looted the house hold articles.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. Appellant is not named in the F.I.R. and has been falsely implicated in this case. Though, it is alleged that F.I.R. named accused persons with 30-40 unknown assaulted with weapons like lathi, iron rod etc. to the informant's side but no one has sustained any injury, which creates doubt about the prosecution case. The real fact is that son of the informant namely Praveen Kumar and four accused persons being supporters of the informant, have kidnapped minor daughter of one Rupesh Kumar Chaudhary while she was returning from her school, for which a police case has been registered on 19.10.2022 u/s 364, 366(A), 34 of the IPC against son of informant and other supporters of the informant (Annexure-2) and therefore, to retaliate, the present case has been lodged against the appellant and others by the informant. It is further submitted that no offence under the SC/ST Act is made out against the appellant



as the alleged occurrence is not said to have taken place in public view. Appellant has no criminal antecedent.

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

7. Considering the facts and circumstances of the case, since there is no specific overt act against the appellant to abuse the informant by caste name, 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 Exclusive Special Judge SC/ST (POA) Act, Begusarai, in connection with SC/ST P.S. Case No.42 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)

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