

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2951 of 2023**

Arising Out of PS. Case No.-308 Year-2023 Thana- TURKAULIYA District- East
Champaran

=====

RAJ KISHORE GIRI @ KHARHA GIRI Son of Late Chandradeo Giri
Resident of Village - Katgenwa, P.S.- Adapur, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Gayatri Devi Wife of Ramayan Ram Resident of Village - Chailaha Kuriya,
Ward No.- 10, P.S.- Banjariya, District - East Champaran

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava
For the Respondent/s : Mr. Sadanand Paswan

=====

**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. Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
16.08.2023 but nobody appeared on behalf of the 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 11.03.2023 passed by learned Special Judge,
SC/ST Act, East Champaran, Motihari in connection with



Turkauliya (Banjariya) P.S. Case No. 308/2023, registered under Sections 420, 467, 468, 471 and 406/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The occurrence took place on 03.01.2023 but the complaint case lodged on 23.02.2023 and police has lodged the FIR on 11.03.2023 and there is no any explanation of it which creates serious which creates serious doubt about the prosecution case. 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. There is specific overt act against the son of the informant. In the middle of the complaint case it is alleged that the appellant abused the informant when the informant went to the house of the informant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

6. In the facts and circumstances of the case and the



fact that there is delay in filing of the present FIR, 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 Special Judge, SC/ST Act, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 308/2023 , subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

ajay/-

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

