

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2973 of 2023

Arising Out of PS. Case No.-106 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Kaushal Kumar Pankaj Son Of Late Ramchandra Sah Resident Of Village
Darhia Beler Ps Karpuri Gram, Distt- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Shatrudhan Paswan Son Of Ram Jatan Paswan Resident Of Village-
Shambhu Patti, Ps- Mufassil, Dist- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-11-2023 Heard learned counsel for the appellant, respondent no.

2 and learned Special Public Prosecutor for the State.

2. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 24.05.2023, passed by learned Special Judge (SC/ST Act), Samastipur in connection with Samastipur (M) P.S. Case No. 106 of 2020, registered under Sections 341, 323, 504, 506 of the IPC and Sections 3(i) (r) (S) of the SC/ST Act.

3. Appellant is said to have abused the informant by taking caste name and also assaulted him by shoes.

4. It is submitted by learned counsel for the appellant



that the appellant is innocent and has been falsely implicated in this case. He submits that occurrence took place on 20.02.2020 but FIR has been lodged on 01.03.2020 and there is no explanation for delay which creates serious doubt about the prosecution case. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal.

5. However, learned Special PP for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that the appellant abused the informant by taking caste name in the public place.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Samastipur (M) P.S.Case No. 106 of 2020.

(Anjani Kumar Sharan, J)

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