

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3178 of 2023**

Arising Out of PS. Case No.-68 Year-2023 Thana- PAHARPUR District- East Champaran

Jitendra Prasad @ Jitendra Kumar Son Of Late Bali Ram Prasad Resident Of  
Village- Balua, Semrahi, Ward No. 9, Ps- Paharpur, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Satendev Manjhi Son Of Late Shivdhari Manjhi Resident Of Village- Balua,  
Ekauna, Ps- Paharpur, Dist- East Champaran

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Madhurendra Kumar  
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 31.05.2023 passed by learned Special Judge,  
SC/ST Act, East Champaran, Motihari in connection with



Paharpur P.S. Case No. 68/2023, registered under Sections 447, 341, 323, 324, 307, 354(B), 379 and 504/34 of the Indian Penal Code and Section 3(i)(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 has no concern with the aforesaid occurrence. There is no specific overt act against the appellant. 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 allegation against the Raju Prasad and Jiten Prasad who is the brother of the appellant. The learned Court below erred in not considering the fact that both parties are co-villagers and there was an enimical term between them. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State along opposes the prayer for bail and submits that the appellant is also involved in the present case. Hence, he does not deserve bail.

6. In the facts and circumstances of the case and the fact that there is no specific overt act against the appellant to abuse the informant by taking the caste name, 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 Paharpur P.S. Case No. 68/2023, 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/-

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