

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3231 of 2023

Arising Out of PS. Case No.-135 Year-2016 Thana- SAHPUR District- Patna

ARVIND KUMAR Son of Late Lal Bihari Ray @ Laldev @ Laldev Bihari
Rai R/o Village - Saraiya Main Road, P.S. and P.O.- Phulwari Sharif (Janipur),
District - Patna 801505.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saket Anand

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 11.10.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her 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 of anticipatory bail
vide order dated 13.04.2023 passed by learned Court of
Exclusive Special Court, (SC/ST Act), Patna in connection with
Shahpur P.S. Case No.135 of 2016, registered under Sections



341, 323, 385, 504, 506 and 34 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the FIR, the informant is working as a salesman in a tractor agency of the appellant. It is alleged that the informant left the job from appellant's company and even after that the appellant used to call him and pressurized him for collecting the amount from customers. It is alleged that the appellant and other accused persons went to the house of the informant and demanded Rs.12 lacs and also assaulted him and also abused him by taking his caste name.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific allegation against the appellant to abuse the informant by taking caste name. There is no specific overt act against the appellant. He further submits that there is dispute regarding wages between the parties. Petitioner is a proprietor of Mahendra Tractor, Khagaul and the informant is a



salesman there. Appellant has two criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case as there is no specific overt act against the appellant, 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 released 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 the learned Court of Exclusive Special Court, (SC/ST Act), Patna in connection with Shahpur P.S. Case No.135 of 2016, 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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