

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2816 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- SC/ST District- Siwan

RANJAN KUMAR BHAGAT SON OF ARVIND BHAGAT R/O VILLAGE-
SEMRIYA, KOERI TOLA, P.S.- NAUTAN, DISTRICT- SIWAN

... .. Appellant/s

Versus

1. The State of Bihar
2. CHOTAN RAM SON OF RAMYOJAN RAM R/O VILLAGE- SEMRIYA,
P.S.- NAUTAN, DISTRICT- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghav Prasad, Adv.
For the Respondent/s : Mr.Usha Kumari 1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 09-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the earlier order of this Court, notice was sent to respondent no.2 and the same was received by full brother of respondent no.2. In this regard, a jointness petition has been filed, whereby at para 2, it is stated that respondent No.2 is living with his brother in the same house.

3. Considering the same, notice is hereby deemed to be validly served upon the respondent no.2 but in spite of valid service of notice, nobody has entered appearance on his behalf.

4. 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 30.06.2022 passed by learned Additional Sessions Judge-I-cum Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 27 of 2021 registered under Sections 341, 323, 324, 504 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. The prosecution case, in brief, is that on 11.10.2021, at 04.00 P.M., he was going to home after purchasing the vegetables, on his cycle, in the meantime, Ranjan Kumar Bhagat came there from his motorcycle and started creating hindrance. On objection, appellant is said to have abused the informant by taking his caste name and assaulted him with leg on his head, due to which he sustained injuries.

6. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of one month in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution



case. No one has sustained injury in the occurrence. There is no evidence in the present case against the appellant except prescription paper of the alleged hospital, where informant was treated. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

8. In the facts and circumstances of the case, as there is delay in filing the present case, 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 Additional Sessions Judge-I-cum Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 27 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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