

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3268 of 2023

Arising Out of PS. Case No.-485 Year-2023 Thana- SHERGHATI District- Gaya

RAUSHAN KUMAR @ SATYA NARAIN KUMAR Son of Girja Bhagat
Resident of village - Haibaspur, P.S. - Haspura, Distt. - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ajay Paswan Son of Late Chanarik Paswan Resident of village - Angara,
P.S. - Dobhi, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 16.08.2023, learned
Spl.PP for the State informed the informant to appear in the
present case through his counsel but nobody entered appearance
on his 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 26.06.2023 passed by learned Special Judge
(SC/ST Act), Gaya in connection with Sherghati P.S. Case No.



485 of 2023, registered under Sections 302, 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the informant received a message from a teacher of his son's school with regard to ailment of his two sons, who had been referred to a hospital. When the informant reached there, he found that one of his son, namely, Ankit Kumar has died. His younger son informed him that the deceased was brutally assaulted by the appellant, who is head master of the school and other teachers after bolting him inside a room.

5. It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged has ever taken 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 as he happens to be the head master of the school of the deceased. The Principal of the said school was apprehended by the police. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature, as such, no offence under the SC/ST Act is made out against the appellant. The son of the informant has died due to fever. He submits that it has come in



the case diary that the statement of doctor and others were recorded, in which they supported this fact that the deceased died due to ailment. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail by submitting that the postmortem report and Inquest report has supported the prosecution case.

7. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the appellant on bail. The prayer for grant of bail on his behalf is hereby rejected.

8. However, if the appellant surrenders before the learned Court below within a period of six weeks from today, and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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