

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2931 of 2022

Arising Out of PS. Case No.-187 Year-2022 Thana- MASHRAK District- Saran

SHIV KUMAR RAI Son of Late Julum Rai Resident of Village - Siuri, P.s.-
Mashrakh @ Masrak, Distt.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendera Ram Son of Late Ranglal Ram Resident of Village - Siuri, P.s.-
Mashrakh @ Masrak, Distt.- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manish Chandra Gandhi, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the appellant and learned

Spl. P.P. for the State along with learned counsel for the

informant.

This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 25.06.2022 in A.B.P. No. 1838 of 2022 passed by
the learned 3rd Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Saran in connection with Mashrakh @
Masrak P.S. Case No. 187 of 2022 registered for the offences
punishable under Sections 341, 323, 504, 506 and 34 of the



Indian Penal Code as well as Sections 3(i)(r)(w) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant has antecedent of one case and the informant alleges that while he along with his wife had gone for cutting wheat crop when the accused persons including the appellant came and started assaulting him with fist and slap and abused him by taking his caste name and even prevented him from cutting the wheat crop.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that the occurrence took place on account of land dispute and the informant in order to create pressure has instituted the present false case. It is further submitted that merely taking caste name does not attract the offence under SC/ST Act. It is further submitted that the F.I.R. does not even remotely suggest that the occurrence was witnessed by anyone.

Learned Spl. P.P. for the State along with learned counsel for the informant oppose the prayer for anticipatory bail of the appellant but are not able to rebut the submission of the learned counsel for the appellant that merely taking caste name is not an offence under SC/ST Act.



In view of the submissions made by the learned counsel for the appellants, the order dated 25.06.2022 in A.B.P. No. 1838 of 2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran in connection with Mashrahk @ Masrahk P.S. Case No. 187 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Masrahk P.S. Case No. 187 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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