

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3012 of 2022**

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKARPUR District- West Champaran

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RAMBHU KUMAR @ RAMBHU KUMAR SAH S/o Sri Lalbahadur Sah
R/o village- Sihpur, P.S.- Sathi, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Baitha S/o Sri Chandradeo Baitha R/o village- Takiya, Ward No. 01, P.S.- Shikarpur, District- West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

In view of order dated 07.12.2022, learned Spl.P.P. for the
State informed the respondent no.2/informant about his
appearance in this case but nobody appears on his behalf.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (As amended by Amendment Act, 2015 (Act No.1 of
2016) (hereinafter in short referred to as the ‘SC/ST Act’)
against the refusal of prayer for anticipatory bail vide order
dated 18.07.2022, passed by learned 1st Additional Sessions
Judge-cum-Special Judge, SC & ST Act, West Champaran at



Bettiah, in connection with Shikarpur P.S. Case No.249 of 2022, registered u/s 341, 323, 307, 325, 354, 504/34 of the IPC, section 3(1)(r)(s) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellant hurled abuses and assaulted the informant's side by means of various weapons.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in this case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against him to abuse the informant rather the allegation against the appellant is general and omnibus in nature. It is further submitted that the specific allegation is against the co-accused Prince Kumar. Nobody has sustained any injury in the alleged occurrence. Appellant has no criminal antecedent.

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

Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail



bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No.249 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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