

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3005 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- BAKHTIYARPUR District- Patna

NAWAL RAY @ NAWAL RAI S/o Pramanand Ray Resident of Chiraiya
Rupas, P.S.- Bakhtiyarpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Jimdar Paswan S/o Late Baleshwar Paswan Resident of Uttari Chiraiya,
P.S.- Bakhtiyarpur, District- Patna, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prince Kumar Mishra
For the Respondent/s : Mrs.Usha Kumari 1

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 compliance of order dated 30.11.2022, 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 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated
04.08.2022, passed by learned Exclusive Special Judge, SC/ST
Act, Patna, in connection with Bakhtiyarpur P.S. Case No.211 of
2022, registered u/s 341, 342, 323, 504/34 of the IPC and



sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, the appellant abused the informant and threatened to withdraw the cases lodged by him against the appellant. It is further alleged that appellant pressed informant's neck with his towel and other accused persons brutally assaulted him by means of *lathi-danda*.

It is submitted by learned counsel for the appellant that the appellant is quite 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 allegation against the appellant is that he abused the informant by caste name but it is clear from the F.I.R. itself that it has been alleged that he used 'Harijan' word against the informant, which does not come under the purview of SC/ST Act, as such, no offence under the SC/ST Act is made out against the appellant. Furthermore, slating the appellant in caste name is not said to have taken place in public view. It is further submitted that in the alleged occurrence, no person has sustained any injury.

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

Considering the facts and circumstances of the case, since '*Harijan*' does not come under the purview of SC/ST Act to



constitute an offence, let 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 Exclusive Special Judge, SC/ST Act, Patna, in connection with Bakhtiyarpur P.S. Case No.211 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)

pallavi/-

U		T	
---	--	---	--

