

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3032 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- RAJIVNAGAR District- Patna

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SUJEET KUMAR Son of Kali Charan R/v- Chhoti Khagaul Mahadev Asthan,
P.O- Khagaul, P.S- Khagaul Dist- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Despite valid service of notice, no one appeared on
behalf of the respondent no.2/informant.

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 12.07.2022 passed by learned Special Judge
SC/ST Act, Patna, in connection with Rajeev Nagar P.S. Case
No. 119 of 2022 registered under Sections 341, 323, 379, 504,
506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



As per prosecution case, the appellant along with three other accused persons came at the informant's car service centre and ordered to wash the car. After washing the car, the informant's staff demanded the washing charge, upon which appellant and the accused persons started scolding the informant's staff. On hearing noise the informant came, the appellant and the accused persons started frightening and abusing the informant and entered into the chamber of the informant and taken Rs. 25,000/- cash.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case. There is no allegation of slating the informant in the specific name of his caste. He submits that there is general and omnibus allegation against the appellant. He further submits that, on the date of occurrence the appellant is not present there, he is working in the office, it is clear from the Annexure-2 of the memo of the appeal. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant is also present on the date of occurrence. Hence, he does not deserve privilege of anticipatory



bail.

Considering the facts and circumstance of the case, there is specific over act against the appellant and the nature of the offence, I am not inclined to enlarge the appellant on anticipatory bail in connection with Rajeev Nagar P.S. Case No. 119 of 2022.

The prayer for anticipatory bail of the appellant is hereby rejected.

(Anjani Kumar Sharan, J)

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