

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3497 of 2023

Arising Out of PS. Case No.-761 Year-2022 Thana- MASAUDHI District- Patna

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Santu Kumar Son Of Sri Sunil Kumar Resident Of Village- Krishna Engineering Work Shop, Abdullahchak Nagar, Block Road Masaurhi, Ps- Masaurhi Dist- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Singh Na R/o Village-Masaurhi P.S.- Masaurhi, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Saroj Kumar Choudhary, Advocate
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 01-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The informant of this case is the police personnel who represented by the State and hence no notice is required in this case.

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 15.06.2023 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with Masaurhi P.S. Case No. 761 of 2022, registered under Sections 341, 323, 504, 353, 332, 334, 34 of the Indian Penal Code and Section



3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the appellant and other co-accused persons misbehaved with the police personnel. They scuffled with them. The appellants were arrested at the spot whereas other co-accused persons became successful in fleeing away. The accused persons also abused one of the members of police party, who belongs to Scheduled Caste community.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to local dirty politics. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. He further submits that the injury report was enclosed in the case diary but the injury is simple in nature. 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.



7. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees 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 Masaurhi P.S. Case No.761 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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