

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3757 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- PHENHARA District- East Champaran

SIKANDAR SHARMA S/O SRI JAGNATH SHARMA R/O VILLAGE-
MANKURWA, PS. PHENHARA, DISTT. EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. SRI VIKASH KUMAR S/O SRI BRIJNANDAN RAM R/O VILLAGE
AND POST-MANKURWA, PS. PHENHARA, DISTT. EAST
CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jai Prakash Verma, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P. Mr.Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2023 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 and learned Spl.P.P. for the
State.

2. 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 06.06.2023, passed by learned Special Judge,
SC/ST Act, East Champaran, Motihari, in connection with
Phenhara P.S. Case No.47 of 2023, registered under sections
147, 149, 341, 323, 307, 354(B), 379, 504 of the IPC and



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

3. Allegation upon the appellant is that he along with his associates came armed variously and abused the informant and his brother and on protest, appellant abused them by their caste name, threw spit over their body and assaulted by iron rod.

4. 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 the case with frivolous allegation. There is general and omnibus allegation against the appellant. Appellant has one criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for anticipatory bail by submitting that from bare perusal of the F.I.R., it is evident that there is specific allegation against this appellant to abuse the informant and his brother by taking caste name.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the appellant on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. Accordingly, this appeal is dismissed.



8. However, appellant is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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