

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3784 of 2023

Arising Out of PS. Case No.-576 Year-2020 Thana- FATUA District- Patna

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ASHUTOSH KUMAR SINGH SON OF LATE ASHOK KUMAR SINGH @
LATE ASHOK SINGH RESIDENT OF VILLAGE- SOTICHAK, FATUHA,
PS- FATUHA, DISTT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RAJAN RAY SON OF SRI RAMANAND DAS RESIDENT OF
VILLAGE- MOSIMPUR KURTHA, FATUHA, PO AND PS- FATUHA,
DISTT- PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Anand
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 20.09.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

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 03.07.2023 passed by learned Exclusive
Special Court SC/ST Act, Patna in connection with Fatuha P.S.



Case No.576 of 2020, registered under Sections 504, 506, 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and 66 of IT Act.

4. The allegation against the appellant is that he used to make viral different photographs of the informant on social media in order to defame his name. It is also alleged that the appellant used to abuse him by taking his caste name and also demanded Rs.1,00,000/- from him.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. He further submits that the appellant is a journalist and there is no specific overt act against him. Appellant has two 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. Having regards to the facts and circumstances of the case as well as after perusal of the detailed F.I.R., I am not inclined to enlarge the appellant on bail. The prayer for grant of bail on his behalf is hereby rejected.

8. Accordingly this appeal stands, dismissed.

9. However, if the appellant surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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