

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3715 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- ATHMALGOLA District- Patna

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PINTU KUMAR @ PRAKASH SINGH Son of Sri Arvind Singh @ Arvind Kumar Resident of village - Fulelpur, Police Station - Athmalgola, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Late Haro Paswan Resident of village - Fulelpur, Police Station - Athmalgola, District - Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No.2
For the Respondent/s : Mr. Usha Kumari-1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-03-2023 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

As per the office report, notice has validly been served upon respondent no.2 but there is no representation on his behalf.

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 25.05.2022 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with Athmalgola P.S. Case No. 32 of 2021 registered under Sections



341, 323, 325, 354, 354A, 447, 448 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s)/ 3 (ii) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that appellant in association of other co-accused is said to have come to the house of the informant assaulted him by means of iron rod. They also slated him by taking his caste name. When the wife of the informant rushed in his rescue, the appellant got her naked and made a video from his mobile.

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 oblique reasons and local politics. Slating the informant in the name of caste is said to have been made at the house of the informant 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. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

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 Athmalgola P.S. Case No.32 of 2021, 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. I.A., if any, shall also stands disposed of.

(Anjani Kumar Sharan, J)

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